

Gregory J. Sanders, USB No. 2858
Stephen D. Kelson, USB No. 8458
KIPP AND CHRISTIAN, P.C.
Co-Counsel for Defendants
10 Exchange Place, 4th Floor
Salt Lake City, Utah 84111
Telephone: (801) 521-3773

Mark E. Arnold, USB No. 3258
ARNOLD & WIGGINS, P.C.
Co-Counsel for Defendants
American Plaza II, Ste. 105
57 West 200 South
Salt Lake City, UT 84101

RECEIVED

AUG 10 2006

OFFICE OF
JUDGE TENA CAMPBELL

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

JUDY L. NERDEN,

Plaintiff,

vs.

DAVE MOORE'S INC., d/b/a Moore's
Family Restaurant, a Utah corporation,
and DAVID R. MOORE, an individual

Defendants.

:
:
: **ORDER ON STIPULATED MOTION**
: **TO EXTEND TIME TO FILE REPLY**
: **MEMORANDUM IN SUPPORT OF**
: **DEFENDANTS' MOTION FOR**
: **PARTIAL SUMMARY JUDGMENT**

: Case No. 1:02-cv-00156 TC
:
:

Based on the parties' Stipulation and good cause appearing,

IT IS HEREBY ORDERED that Defendants are granted an extension of time to file their Reply Memorandum in Support of their Motion for Partial Summary Judgment to August 24, 2006.

DATED this 10th day of August, 2006.

BY THE COURT


JUDGE TENA CAMPBELL

RONALD FUJINO # 5387
Attorney for Defendant
356 East 900 South
Salt Lake City, Utah 84111
Telephone: (801) 268-6735
Fax: (801) 579-0606
counsel356@msn.com

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

RECEIVED

AUG 09 2006

OFFICE OF
JUDGE TENA CAMPBELL

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFONSO LOPEZ-BARONE,

Defendant.

Case No. 1:05CR 105 TC

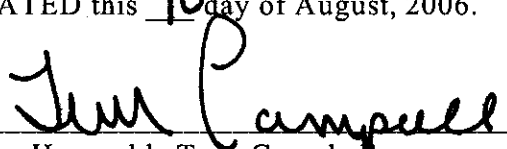
**ORDER GRANTING MOTION TO
WITHDRAW**

JUDGE TENA CAMPBELL

Based upon the Appearance of Counsel, filed August 4, 2006 (by Ryan J. Bushell), and good cause appearing, the Court hereby ORDERS that prior counsel's Motion to Withdraw, filed August 9, 2006 (by Ronald Fujino), is granted.

ORDERED BY THE COURT

DATED this 10 day of August, 2006.


The Honorable Tena Campbell
U.S. District Court Judge

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL WAGHER,

Defendant.

:

:

**ORDER ALLOWING
INTERSTATE TRAVEL**

:

Case No. 1:06-CR-027 DB

:

Based on the motion of the defendant, no objections from the Assistant U.S. Attorney and U.S. Pretrial Services, and good cause shown:

It is hereby ORDERED that the defendant be allowed to travel to Hawaii on August 26th, 2006 and return to Utah on September 4th, 2006.

DATED this 10th day of August, 2006.

BY THE COURT:



HONORABLE DAVID NIEFER
U. S. District Court Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL/NORTHERN DIVISION**

Island View Residential Treatment
Center, et al.,

Plaintiff,

vs.

BellSouth Corporation, et al.,

Defendant.

SCHEDULING ORDER

Case No. 1:06-cv-00046

District Judge Tena Campbell

Magistrate Judge Brooke C. Wells

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|---|----------------------|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| | a. Was Rule 26(f)(1) Conference held? | <u>Yes</u> |
| | b. Has Attorney Planning Meeting Form been submitted? | <u>8/2/06</u> |
| | c. Was 26(a)(1) initial disclosure completed? | <u>8/4/06</u> |
| 2. | DISCOVERY LIMITATIONS: pursuant to F.R.Civ.P. 26 and nature of this ERISA case | <u>NUMBER</u> |
| | a. Maximum Number of Depositions by Plaintiff(s) | <u>10</u> |
| | b. Maximum Number of Depositions by Defendant(s) | <u>10</u> |
| | c. Maximum Number of Hours for Each Deposition (unless extended by agreement of parties) | <u>7</u> |
| | d. Maximum Interrogatories by any Party to any Party | <u>25</u> |
| | e. Maximum requests for admissions by any Party to any Party | |
| | f. Maximum requests for production by any Party to any Party | |

3. **AMENDMENT OF PLEADINGS/ADDING PARTIES²**
 - a. **Last Day to File Motion to Amend Pleadings** 11/3/06
 - b. **Last Day to File Motion to Add Parties** 11/3/06
4. **RULE 26(a)(2) REPORTS FROM EXPERTS³**
 - a. **Plaintiff** 10/27/06
 - b. **Defendant** 11/24/06
 - c. **Counter Reports**
5. **OTHER DEADLINES**
 - a. **Discovery to be completed by:**
 - Fact discovery** 11/24/06
 - Expert discovery** 1/26/07
 - b. **(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)**
 - c. **Deadline for filing dispositive or potentially dispositive motions** 2/23/07
6. **SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION**
 - a. **Referral to Court-Annexed Mediation** No
 - b. **Referral to Court-Annexed Arbitration** No
 - c. **Evaluate case for Settlement/ADR on** 11/24/06
 - d. **Settlement probability:** fair
7. **TRIAL AND PREPARATION FOR TRIAL**
 - a. **Rule 26(a)(3) Pretrial Disclosures⁴**
 - Plaintiffs** 5/18/07
 - Defendants** 6/1/07
 - b. **Objections to Rule 26(a)(3) Disclosures**
(if different than 14 days provided in Rule)
 - c. **Special Attorney Conference⁵ on or before** 6/15/07

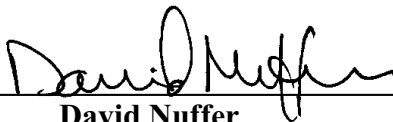
| | | | |
|----|---|------------------|------------------|
| d. | Settlement Conference ⁶ on or before | | 6/29/07 |
| e. | Final Pretrial Conference | <u>3:00 p.m.</u> | <u>7/13/07</u> |
| f. | Trial | <u>Length</u> | <u>Time</u> |
| | i. Bench Trial | <u>2 days</u> | <u>8:30 a.m.</u> |
| | | | <u>7/25/07</u> |

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 11th day of August, 2006.

BY THE COURT:


David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. The identity of experts and the subject of their testimony shall be disclosed as soon as an expert is retained or, in the case of an employee-expert, as soon as directed to prepare a report.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

| | | |
|------------------------------|---|------------------|
| BRUCE W. CONLEY, |) | |
| |) | |
| Plaintiff, |) | Case No. |
| |) | |
| v. |) | |
| |) | |
| WEBER COUNTY SHERIFF et al., |) | O R D E R |
| |) | |
| Defendants. |) | |

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 11 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

Plaintiff/inmate, Bruce W. Conley, submits a *pro se* civil rights case.¹ Plaintiff applies to proceed without prepaying his filing fee.² However, Plaintiff has not as required by statute submitted "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined."³

IT IS HEREBY ORDERED that Plaintiff's application to proceed without prepaying his filing fee is granted.

So that the Court may calculate Plaintiff's initial partial filing fee, IT IS ALSO ORDERED that Plaintiff shall have thirty days from the date of this Order to file with the Court a certified copy of his inmate trust fund account statement(s). If

¹See 42 U.S.C.S. § 1983 (2006).

²See 28 *id.* § 1915.


³See *id.* § 1915(a)(2) (emphasis added).

Judge Dale A. Kimball
DECK TYPE: Civil
DATE STAMP: 08/11/2006 @ 15:04:18
CASE NUMBER: 1:06CV00090 DAK

Plaintiff was held at more than one institution during the past six months, he shall file certified trust fund account statements (or institutional equivalent) from the appropriate official at each institution where he was confined. The trust fund account statement(s) must show deposits and average balances for each month. If Plaintiff does not fully comply, his complaint will be dismissed.

DATED this 11 day of August, 2006.

BY THE COURT:

A handwritten signature in cursive script, reading "Brooke C. Wells". The signature is written in dark ink and is positioned above a horizontal line.

BROOKE C. WELLS

United States Magistrate Judge

Proposed by:

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MAGNESIUM CORPORATION OF
AMERICA, et al.,

Defendant.

ORDER GRANTING JOINT MOTION TO
AMEND SCHEDULING ORDER

Case No. 2:01CV0040 DB

Judge Dee Benson

Magistrate Judge David Nuffer

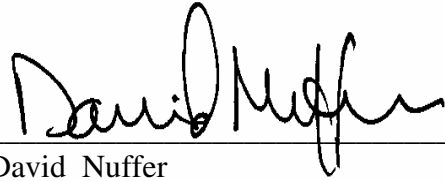
Based upon plaintiff United States of America's and defendant US Magnesium LLC's Stipulation and Joint Motion to Amend Scheduling Order and GOOD CAUSE appearing therefor,

IT IS HEREBY ORDERED THAT the motion is GRANTED and that the Scheduling Order entered in this case is amended as follows:

| | |
|----------|------------------------------|
| 9/29/06 | Fact Discovery Deadline |
| 10/31/06 | Plaintiff's Expert Reports |
| 11/30/06 | Defendants' Expert Reports |
| 12/31/06 | Plaintiff's Rebuttal Reports |
| 01/31/07 | Defendants' Rebuttal Reports |
| 2/28/07 | Expert Discovery Deadline |
| 3/31/07 | Dispositive Motions Deadline |

ENTERED this 11th day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

| | |
|---|---|
| UNITED STATES OF AMERICA, Plaintiff, vs. MAGNESIUM CORPORATION OF AMERICA, et al., Defendants. | MEMORANDUM DECISION AND ORDER RE: MOTION FOR CLARIFICATION Case No: 2:01-CV-40 DB District Judge Dee Benson Magistrate Judge David Nuffer |
|---|---|

Because this order relates to the court’s June 14, 2006 Order,¹ this order does not repeat background information contained in that prior order. Plaintiff United States filed a motion² seeking clarification of the June 14 Order which denied in part and granted in part the United States’ motion to compel³ in which the United States sought financial records and tax returns of the Defendants The Renco Group, Inc. (“Renco”), Ira Leon Rennert, and the Ira Leon Rennert Revocable Trust (collectively the “non-USM defendants”). In that order, the court directed that discovery and trial will be conducted in three phases: (1) the liability of MagCorp/USM and the financial condition of the USM defendants, (2) the liability of the non-USM defendants, and (3) all remaining discovery regarding the

¹Docket No. 264, filed June 14, 2006.

²United States of America’s Motion for Clarification, and Other Relief (“Motion”), Docket No. 271, filed June 30, 2006.

³United States of America’s Motion to Compel Responses by Renco Defendants to the United States’ Discovery Requests to Defendants in Phase I of the Consolidated Case (“Motion to Compel”), docket no. 242, filed April 4, 2006.

penalty, if any, to be imposed, including the currently suspended discovery regarding Renco's financial records and tax returns.⁴

In its present motion, the United States seeks the following modifications of the court's June 14 Order: (1) "that discovery and trial on injunctive relief may be had in Phase I;" (2) "that the financial condition of the USM defendants may be the subject of discovery and trial in Phases II and III, as well as Phase I;" (3) "that Renco's financial records and tax returns may be the subject of Phase II, as well as Phase III;" (4) that the non-USM defendants be required to maintain documents relevant to this case throughout the course of the litigation; and (5) that the non-USM defendants be required to respond to the United States' discovery requests in the manner set forth in the June 14 Order by August 1, 2006.⁵ For the reasons discussed below, the United States' motion is granted in part, and denied in part.

DISCUSSION

A. Injunctive Relief

None of the defendants opposes modification of the order to allow discovery and trial on injunctive relief in Phase I. Therefore, the phasing in the June 14 Order will be modified accordingly.

⁴June 14 Order at 13.

⁵Memorandum in Support of United States' Motion for Clarification and for Other Relief ("US Mem.") at 1, docket no. 272, filed June 30, 2006.

B. Financial Condition of the USM Defendants

None of the defendants opposes modification of the order to allow discovery and trial on USM's financial condition in Phases II and III, as well as Phase I. Therefore, the phasing in the June 14 Order will be so modified.

C. USM's Request for a Clarifying Sentence Re: Relevancy of Its Financial Condition in Determining Injunctive Relief

In the portion of its memorandum requesting that the issue of injunctive relief should be tried in Phase I of the litigation, the United States asserted that "the resources of the Renco Defendants, *or for that matter, USM*, should be largely irrelevant on the question of whether illegal actions must cease."⁶ The United States also stated in a footnote:

Courts have found that they lack jurisdiction to consider issues of feasibility, general practicality, political considerations or cost factors in ordering compliance with the Clean Air Act. Thus, while the fact of USM's (or its parents') limited resources could cause a court to fashion the scope of the injunctive relief it may impose . . . , limited resources are not relevant to the question of whether violations must cease.⁷

USM construes these two statements by the United States to mean that the United States is taking the position that USM's financial condition may not be considered by the court in deciding whether injunctive relief is appropriate. USM requests that the court make clear in any clarifying order that USM's financial condition is directly relevant to, and may be considered, in the court's determination of whether, and in what form, to grant injunctive relief. To that end, USM requests that the court include the following sentence in any clarifying order: "Defendant

⁶US Mem. at 2 (emphasis added).

⁷US Mem. at 2, footnote 3 (citations omitted).

US Magnesium’s financial condition and ability to pay are relevant to the issue of injunctive relief, and therefore may be considered by this Court during Phase I in regards to whether, or in what form, to grant such relief.”⁸

The United States opposes the inclusion of this sentence because, among other reasons, “it fails to accurately describe the totality of factors courts consider when determining whether to issue injunctions.”⁹ The United States contends that the addition of the proposed sentence would improperly highlight a particular piece of evidence, while at the same time suggesting that such evidence is, by itself dispositive, and trumps other traditional factors that the court should consider.¹⁰

After considering the parties’ arguments, the court declines to order the inclusion of USM’s proposed sentence in its modified order. The district judge will determine the factors to be considered, and the weight to be given them, at the appropriate time when the issues are fully briefed.

D. Renco’s Financial Records and Tax Returns

The United States requests that the court modify its order to allow discovery regarding Renco’s financial records and tax returns during Phase II, as well as Phase III, of this litigation. In support of this request, the United States contends that “the parents’ financial information is

⁸Defendant US Magnesium LLC’s Memorandum in Opposition to United States’ Motion for Clarification, and Other Relief (“USM Mem.”) at 5-6, docket no. 283, filed July 12, 2006.

⁹United States of America’s Reply in Support of Motion for Clarification and Other Relief (“Reply”) at 7-8, docket no. 284, filed July 14, 2006. Reply at 7 (citing [United States v. Power Engineering](#), 10 F. Supp. 2d 1145, 1149 (D. Colo. 1998), *aff’d*, 191 F.3d 1224 (10th Cir. 1999)).

¹⁰Reply at 7-8.

also highly relevant to their own potential liability under veil-piercing theories, which is the subject of Phase II of the litigation.”¹¹ As an example, the United States asserts that an important factor to be considered in determining whether to pierce the corporate veil is the siphoning of corporate assets by the dominant shareholder.¹² In addition, the parent’s financial information might reveal the extent to which the parent is paying insurance premiums, or conducting transactions with lenders on the subsidiary’s behalf, all of which could be evidence of the degree of the parent’s domination of the activities of the subsidiary.¹³

Not surprisingly, the non-USM defendants oppose the United States’ request that it be permitted to take discovery of Renco’s financial information in Phase II of the case. They contend that “the request is premature and, if granted, also might be construed to permit the United States to seek financial information that is irrelevant to the United States’ veil-piercing claims or otherwise not the proper subject of discovery.”¹⁴ The non-USM defendants point out that if the United States fails to establish the liability of USM and MagCorp in Phase I, the issue of discovery with regard to Renco in Phase II will be moot.¹⁵ In addition, they assert that “even if Phase II of the case is reached, the United States already has obtained or can obtain from USM most or all of the financial information that would be relevant to any veil-piercing claim against

¹¹US Mem. at 4.

¹²*Id.*

¹³*Id.* at 4-5.

¹⁴Memorandum of Law of Defendants Renco, The Rennert Trust and Ira Rennert in Response to United States’ Motion for Clarification and Other Relief (“Non-USM Mem.”) at 2, docket no. 282, filed July 12, 2006.

¹⁵*Id.* at 3-4.

Renco.”¹⁶ Further, the non-USM defendants state that if this case reaches Phase II, they will not oppose discovery of Renco’s financial information on the ground that such discovery is precluded by the court’s order. They state their position as follows:

If and when Phase II is reached, to the extent the United States believes it needs certain items of financial information concerning Renco that it has not already received from USM, it can seek such items at that time. Renco will not object to such requests on the ground that they are precluded by the Court’s Order. However, Renco reserves its right to object to such requests on all other grounds, including relevance.¹⁷

The non-USM defendants also assert that the United States’ discussion of veil-piercing law “is replete with errors.”¹⁸ They state that based upon this inaccurate discussion, they are “concerned that the United States will treat the granting of its request as a license to seek financial information of Renco that is *not* relevant to its veil-piercing claim.”¹⁹ In conclusion, the non-USM defendants state:

In sum, the United States’ request to modify the Court’s Order to permit discovery regarding Renco’s financial records and tax returns during Phase II should be denied as premature, without prejudice to the United States’ right to seek *relevant and necessary* financial information from Renco should the case proceed to Phase II.”²⁰

In response, the United States contends that its request should not be denied as premature, and that it is appropriate to resolve the matter now. The United States acknowledges the non-

¹⁶*Id.* at 4.

¹⁷*Id.*

¹⁸*Id.* at 3.

¹⁹*Id.* at 4.

²⁰*Id.* at 5.

USM defendants' representation that they will not object to Phase II discovery requests regarding Renco's financial information on the grounds that it is precluded by the court's order. The United States nevertheless objects to what it views as the non-USM defendants' proposed limitation on its right to seek financial information to that which is "relevant and necessary."²¹

The United States asserts that "Rule 26(b), of the Federal Rules of Civil Procedure, does not specify that the United States must demonstrate that discovery from Renco Defendants is 'necessary,' *i.e.*, that it must first prove that USM hasn't provided adequate information, in order to obtain information from USM's parents."²² With regard to "relevancy," the United States disputes the non-USM defendants' claim that its veil-piercing discussion was inaccurate, "and that therefore, the United States will view this Court's allowance for it to take discovery into their financial information in Phase II as a license to seek information that is irrelevant to veil-piercing."²³

The court concludes that there is no need at this time to modify its June 14 Order with respect to the question whether the United States may seek Renco's financial records in Phase II of the litigation, especially in light of the fact that the non-USM defendants will not object to Phase II discovery requests for certain financial information on the ground that the requests are precluded by the court's prior order. It will be more efficient to determine the propriety of specific requests if objections arise, rather than projecting a theoretical standard now.

²¹Reply at 3-4.

²²*Id.* at 4.

²³*Id.*

Accordingly, the United States' request that the June 14 Order be modified to reflect that the United States may take discovery of Renco's financial records in Phase II is denied.

E. Document Preservation

The United States seeks an order requiring the non-USM defendants "to maintain documents in their possession that are relevant to this case throughout all phases of the litigation."²⁴ In making this request, the United States indicates that it has no reason to believe that the non-USM defendants are destroying documents. It points out, however, that Phase III of the litigation could occur as late as 2009. Since the United States does not know whether the non-USM defendants have a policy that limits the time that documents are retained, it wants to ensure that relevant documents are not inadvertently destroyed as part of the non-USM defendants' document-retention policy.²⁵

The non-USM defendants respond that they have no objection to this request so long as the order is mutual and conforms with the requirements of Rule 26(b)(1) of the Federal Rules of Civil Procedure. The non-USM defendants also note that the United States failed to comply with the "informal conference" requirement of DUCivR 37-1(a) before filing its motion.²⁶

The non-USM defendants state that "[w]here no showing has been made of a significant threat that documents will be lost or destroyed absent an immediate order, a document

²⁴US Mem. at 5.

²⁵*Id.* at 5-6.

²⁶Non-USM Mem. at 6.

preservation order generally is not appropriate.”²⁷ They contend that the United States has failed to make that showing. They nevertheless do not object to the entry of a document preservation order so long as it applies to the United States as well as to them.²⁸ In addition, they state that the scope of the United States’ proposed order, i.e., preservation of all documents “that are relevant to this case” is too broad and subjective.²⁹ They state that any preservation order should reflect the standard set forth in Rule 26(b)(1) to encompass only documents “relevant to the claim or defense of any party.”³⁰ They suggest that the court should direct the United States and the non-USM defendants to negotiate and to submit a proposed document preservation order for the court’s approval.³¹

The United States responds that the non-USM defendants have not made any discovery requests to the United States, so there is no mutuality to negotiate. It states, however, that even absent discovery requests by the non-USM defendants, the United States is preserving documents that may be discoverable in this case. Further, it has no objection to the use of the phrase “relevant to the claims and defenses of any party” in the proposed order.³²

²⁷*Id.* (citing [*United States ex rel Smith v. Boeing Co.*, No. Civ.A. 05-1073-WEB, 2005 WL 2105972, at *2 \(D. Kan. Aug. 31, 2005\)](#); [*Capricorn Power Co. v. Siemens Westinghouse Power Corp.*, 220 F.R.D. 429, 435 \(W.D. Pa. 2004\)](#)).

²⁸Non-USM Mem. at 6.

²⁹*Id.* at 6-7.

³⁰*Id.* at 7.

³¹*Id.*

³²Reply at 2.

Since the non-USM defendants do not object to the entry of a document preservation order, the court will grant the United States' request. However, in fairness, the order should be mutual as requested by the non-USM defendants. Accordingly, the court will enter an order requiring both the United States and the non-USM defendants to preserve all documents in their possession relevant to the claims or defenses of any party until this litigation is completed.

F. Deadline for the Non-USM Defendants' Discovery Responses

In its motion, the United States requests that the non-USM defendants be required to “make the productions and/or provide the privilege logs, as set forth in the Order, by no later than August 1, 2006.”³³ The non-USM defendants do not oppose this request although they point out that the United States again failed to comply with DUCivR 37-1(a).³⁴ Since August 1, 2006 has already passed, and the non-USM defendants did not object to the deadline, the court assumes that the non-USM defendants have already made the required production. Accordingly, the court declines to enter an order granting this request.

³³Motion at 2.

³⁴Non-USM Mem. at 3.

ORDER

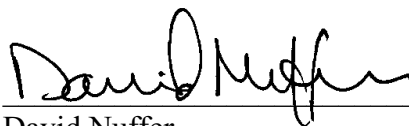
The phasing contained in the Order previously entered by this court on June 14, 2006 is modified as follows:

1. Discovery and trial on injunctive relief shall occur in Phase I of the litigation.
2. The financial condition of USM may be the subject of discovery and trial throughout all three phases.
3. The United States and the non-USM defendants are ordered to preserve all documents containing information relevant to the claims or defenses of any party until the conclusion of this litigation.

All other aspects of the court's June 14, 2006 order shall remain in effect.

August 11, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", written over a horizontal line.

David Nuffer
U.S. Magistrate Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 11 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSY TONY GURULE,

Defendant.

ORDER OF RECUSAL

Case No. 2:03~~4~~-CR-237

I recuse myself in this criminal case, and ask that the appropriate reassignment card be drawn by the clerk's office.

Dated this 10th day of August, 2006.

BY THE COURT:



David K. Winder
Senior U. S. District Judge

Judge Dee Benson
DECK TYPE: Criminal
DATE STAMP: 08/11/2006 @ 08:56:54
CASE NUMBER: 2:03CR00237 DB

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

United States District Court
District of Utah

UNITED STATES OF AMERICA

vs.

Gabriel Leon Roybal

aka Chicano

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: DUTX 2:03CR000476-011

Plaintiff Attorney: Michael P. Kennedy

Defendant Attorney: Gregory Skordas

Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.: 5503

Defendant's Date of Birth: 1972

Defendant's USM No.: 10795-081

Defendant's Residence Address:

Salt Lake City, Utah 84116

Country

7/10/2006
Date of Imposition of Sentence

Defendant's Mailing Address:

Country

THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)

COP. 4/17/2006 Verdict

VIII - Indictment

Title & Section

21USC§841(a)(1) and
846

Nature of Offense

Conspiracy to Distribute a Mixture or Substance
Containing a Detectable Amount of
Methamphetamine

Count

Number(s)

VIII

☐ The defendant has been found not guilty on count(s)

☒ Count(s) IX of Indictment. (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of 18 months. (This sentence will run concurrent with the Utah State Court case number 551908368.)

Upon release from confinement, the defendant shall be placed on supervised release for a term of 3 years.

☐ The defendant is placed on Probation for a period of .
The defendant shall not illegally possess a controlled substance.

Defendant: Gabriel Leon Roybal
Case Number: 2:03CR000476-011

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug testing as directed by the probation office. If the defendant tests positive he shall participate in drug abuse treatment under a co-payment plan as directed by the United States Probation Office and shall not possess or consume alcohol during the course of treatment, nor frequent business where alcohol is the chief item of order.
2. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
3. The defendant shall support the defendant's dependants and meet other family responsibilities including complying with the terms of any court order or administrative support and maintenance of any child or of a child and the parent with whom the child is living.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
- _____

Defendant: Gabriel Leon Roybal
Case Number: 2:03CR000476-011

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

| <u>Name and Address of Payee</u> | <u>Amount of Loss</u> | <u>Amount of Restitution Ordered</u> |
|----------------------------------|-----------------------|--------------------------------------|
|----------------------------------|-----------------------|--------------------------------------|

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00 , payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution as close to Utah as possible, for family visitations.

Defendant: Gabriel Leon Roybal
Case Number: 2:03CR000476-011

CUSTODY/SURRENDER

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE: August 10, 2006



Dee Benson
United States District Judge

Defendant: Gabriel Leon Roybal
Case Number: 2:03CR000476-011

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH -- CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

ORDER TO SHOW CAUSE

vs.


MIGUEL ANGEL CARRILLO,

Criminal No. 2:03-CR-1007 DAK

Defendant.

Plaintiff is hereby ordered to show cause why this case should not be dismissed for violation of the Speedy Trial Act. The file indicates no activity since the order continuing the trial date was issued on March 5, 2004. Plaintiff is directed to respond in writing within 15 days from the date of this order and inform the Court of the status of the case and intentions to proceed. Failure to do so will result in dismissal of the case.

Dated this 11th day of August, 2006.



Dale A. Kimball
United States District Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

UNITED STATES DISTRICT COURT

AUG 10 2006

BY MARION B. ZIMMER, CLERK
DEPUTY CLERK

Central Division

District of

UNITED STATES OF AMERICA

V.

Lance B. Hatch

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 204CR000146-001

USM Number: 11544-085

Rebecca Hyde

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of Felony Information

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|---|----------------------|--------------|
| 18 U.S.C. § 371 | Conspiracy to Defraud the United States | | 1 |

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/7/2006

Date of Imposition of Judgment

Ted Stewart
Signature of Judge

Ted Stewart

Name of Judge

U. S. District

Title of Judge

8/7/2006

Date

DEFENDANT: Lance B. Hatch
CASE NUMBER: DUTX 204CR000146-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

20 months

☒ The court makes the following recommendations to the Bureau of Prisons:

Incarceration at a facility near Walla Walla, WA

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 9/11/2006.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Lance B. Hatch
CASE NUMBER: DUTX 204CR000146-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Lance B. Hatch
CASE NUMBER: DUTX 204CR000146-001

ADDITIONAL SUPERVISED RELEASE TERMS

1) The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless he is in compliance with any established payment schedule and obtains the approval of the probation office.

2) The defendant shall provide the probation office access to all requested financial information.

3) The defendant shall abide by the following occupational restrictions:

- * The defendant is prohibited from participating in any manner in the affairs of any federally regulated financial institution.

- * The defendant shall not have direct or indirect control over the assets or funds of others.

4) The defendant shall comply with all IRA laws and regulations.

DEFENDANT: Lance B. Hatch

CASE NUMBER: DUTX 204CR000146-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|--------|-------------------|--------------|--------------------|
| TOTALS | \$ 100.00 | \$ 10,000.00 | \$ |

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|----------------------|--------------------|----------------------------|-------------------------------|
|----------------------|--------------------|----------------------------|-------------------------------|

| | | |
|--------|---------------|---------------|
| TOTALS | \$ _____ 0.00 | \$ _____ 0.00 |
|--------|---------------|---------------|

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☒ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Lance B. Hatch
CASE NUMBER: DUTX 204CR000146-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- Payments will be made in accordance with a schedule established by the BOP Inmate Financial Responsibility Program while incarcerated, and the USPO following release from imprisonment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10
are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

United States District Court

District of Utah

FILED
U.S. DISTRICT COURT

2006 AUG -9 P 2: 1

DISTRICT OF UTAH

BY: DEPUTY CLERK

UNITED STATES OF AMERICA

vs.

Silvia Uribe-Martha

aka Silvia Uribe

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: DUTX 2:04CR000769-001

Plaintiff Attorney: Vernon Stejskal

Defendant Attorney: Chelsea Koch

Atty: CJA ___ Ret ___ FPD X

Defendant's Soc. Sec. No.: NONE

Defendant's Date of Birth: 1968

Defendant's USM No.: 12016-081

Defendant's Residence Address:

Country _____

08/01/2006

Date of Imposition of Sentence

Defendant's Mailing Address:

Country _____

THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)

COP 04/28/2006 Verdict _____

7 of the Indictment

Title & Section

21 USC § 841(a)(1)

Nature of Offense

Conspiracy to Distribute Methamphetamine

Count

Number(s)

7

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 1-6, 10,11 of the Indictment (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

57 Months

Upon release from confinement, the defendant shall be placed on supervised release for a term of

60 Months

☐ The defendant is placed on Probation for a period of _____

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☒ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not re-enter the United States illegally.
2. Pursuant to 42 U.S.C. § 14135a and 10 U.S.C. § 1565, as authorized in Section 3 of the DNA Analysis Backlog Elimination Act of 2000 and Section 203 of the Justice for All Act of 2004, the defendant shall submit to the collection of a DNA sample at the direction of BOP or the United States Probation Office.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ NONE , payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other:

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

| <u>Name and Address of Payee</u> | <u>Amount of Loss</u> | <u>Amount of Restitution Ordered</u> |
|----------------------------------|-----------------------|--|
|----------------------------------|-----------------------|--|

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

The Court recommends the defendant serve her sentence at FCI Dublin, CA.

CUSTODY/SURRENDER

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

8-7-2006

Tena Campbell
Tena Campbell

United States District Judge

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

Pages 6 - 6

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

United States District Court

District of Utah

FILED
U.S. DISTRICT COURT

2006 AUG -9 P 2:12

UNITED STATES OF AMERICA

vs.

Efren Gurrola-Rodriguez

aka Efren Gurrola

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

DISTRICT OF UTAH

Case Number: DUTX 2:04CR000769-003

BY: _____
DEPUTY CLERK

Plaintiff Attorney: **Vernon Stejskal**

Defendant Attorney: **Mary Corporon**

Atty: CJA X Ret FPD

Defendant's Soc. Sec. No.: NONE

Defendant's Date of Birth: 1972

Defendant's USM No.: 12020-0801

Defendant's Residence Address:

Country _____

08/08/2006

Date of Imposition of Sentence

Defendant's Mailing Address:

Country _____

THE DEFENDANT:

- ☐ pleaded guilty to count(s)
- ☐ pleaded nolo contendere to count(s)
which was accepted by the court.
- ☒ was found guilty on count(s)

COP _____ Verdict 05/03/2006

7 of the Indictment

Title & Section
21 USC § 841(a)(1)

Nature of Offense
Conspiracy to Distribute Methamphetamine

**Count
Number(s)**
7

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **121 Months**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **60 Months**

- ☐ The defendant is placed on Probation for a period of _____.
- The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☒ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not enter the United States illegally.
2. Pursuant to 42 U.S.C. § 14135a and 10 U.S.C. § 1565, as authorized in Section 3 of the DNA Analysis Backlog Elimination Act of 2000 and Section 203 of the Justice for All Act of 2004, the defendant shall submit to the collection of a DNA sample at the direction of BOP or the United States Probation Office.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ NONE , payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other:

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

| <u>Name and Address of Payee</u> | <u>Amount of Loss</u> | <u>Amount of Restitution Ordered</u> |
|----------------------------------|-----------------------|--|
|----------------------------------|-----------------------|--|

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

- ☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:
-

CUSTODY/SURRENDER

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

8-9-2006

Tena Campbell

Tena Campbell

United States District Judge

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

Pages 6 - 6

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 11 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

Dale J. Lambert (Utah Bar No. 1871)
Anneliese C. Booher (Utah Bar No. 9117)
CHRISTENSEN & JENSEN, P.C.
50 South Main, Suite 1500
Salt Lake City, UT 84144
Telephone: (801) 323-5000
Attorneys for Defendants/Counterclaimants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

U.S. MAGNESIUM, LLC, a Delaware
Limited Liability Company,

Plaintiff,

vs.

LEGGETT & PLATT, a Missouri
Corporation, THE LEGGETT & PLATT
ALUMINUM GROUP, an Arkansas entity,
and PRODUCT TECHNOLOGIES, INC.,
a Minnesota entity,

Defendants.

ORDER OF DISMISSAL

Civil No.: 04-CV-524

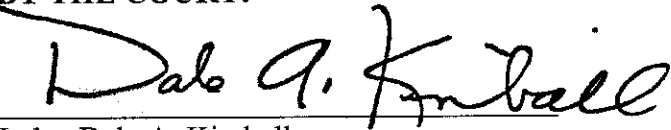
Judge Dale A. Kimball

Magistrate Judge David O. Nuffer

Based on the stipulation of the parties, and good cause appearing therefor, the above entitled action, including Plaintiff's Complaint and Defendants' Counterclaim, is hereby dismissed with prejudice, each of the parties to bear its own attorney's fees and costs of court incurred herein.

DATED this 11th day of August, 2006.

BY THE COURT:



Judge Dale A. Kimball

APPROVED AS TO FORM:

SNELL & WILMER

/s/ Michael R. Johnson
Michael R. Johnson
David Leigh
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

CHARLES E. LAKIN,
Plaintiff,

vs.

YVONNE M. COOK, as Trustee of the
YVONNE M. COOK TRUST; YVONNE
M. COOK, individually; YVONNE M.
COOK FAMILY LIMITED
PARTNERSHIP; and BIZONKO, L.P.,
Defendants.

:
: **THIRD AMENDED SCHEDULING**
: **ORDER AND ORDER GRANTING**
: **MOTION TO AMEND**
:
: Case No. 2:04CV01021 TS
:
: District Judge Ted Stewart
:
:
:
:
:
:

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Stipulation and Joint Motion to Modify Second Amended Scheduling Order filed by counsel. The motion (docket no. 63) is GRANTED. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|---|----------------------|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| | a. Was Rule 26(f)(1) Conference held? | <u>Yes</u> |
| | b. Has Attorney Planning Meeting Form been submitted? | <u>Yes</u> |
| | c. Was 26(a)(1) initial disclosure completed? | <u>Yes</u> |
| 2. | DISCOVERY LIMITATIONS | <u>NUMBER</u> |
| | a. Maximum Number of Depositions by Plaintiff(s) | <u>6</u> |
| | b. Maximum Number of Depositions by Defendant(s) | <u>6</u> |
| | c. Maximum Number of Hours for Each Deposition (unless extended by agreement of parties) | <u>7</u> |
| | d. Maximum Interrogatories by any Party to any Party | <u>25</u> |

| | | | |
|-----------|--|--------------------|----------------|
| e. | Maximum requests for admissions by any Party to any Party | | |
| f. | Maximum requests for production by any Party to any Party | | |
| 3. | AMENDMENT OF PLEADINGS/ADDING PARTIES² | <u>DATE</u> | |
| a. | Last Day to File Motion to Amend Pleadings | <u>03/31/05</u> | |
| b. | Last Day to File Motion to Add Parties | <u>03/31/05</u> | |
| 4. | RULE 26(a)(2) REPORTS FROM EXPERTS³ | <u>DATE</u> | |
| a. | Plaintiff | <u>01/31/07</u> | |
| b. | Defendant | <u>02/28/07</u> | |
| c. | Counter reports | | |
| 5. | OTHER DEADLINES | <u>DATE</u> | |
| a. | Discovery to be completed by: | | |
| | Fact discovery | <u>12/29/06</u> | |
| | Expert discovery | <u>03/30/07</u> | |
| b. | (optional) Final date for supplementation of disclosures and discovery under Rule 26 (e) | | |
| c. | Deadline for filing dispositive or potentially dispositive motions | <u>04/30/07</u> | |
| 6. | SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION | <u>DATE</u> | |
| a. | Referral to Court-Annexed Mediation | <u>Yes/No</u> | |
| b. | Referral to Court-Annexed Arbitration | <u>Yes/No</u> | |
| c. | Evaluate case for Settlement/ADR on | | |
| d. | Settlement probability: Good/Fair/Poor or narrative | | |
| 7. | TRIAL AND PREPARATION FOR TRIAL: | TIME | DATE |
| a. | Rule 26(a)(3) Pretrial Disclosures ⁴ | | |
| | Plaintiff | | <u>7/27/07</u> |
| | Defendant | | <u>8/10/07</u> |
| b. | Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule) | | |
| c. | Special Attorney Conference ⁵ on or before | | <u>8/24/07</u> |

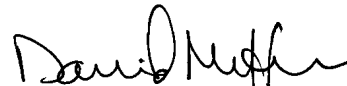
| | | | |
|----|---|------------------|---------------------------------|
| d. | Settlement Conference ⁶ on or before | | <u>9/7/07</u> |
| e. | Final Pretrial Conference | <u>2:30 p.m.</u> | <u>9/21/07</u> |
| f. | Trial | <u>Length</u> | |
| | i. Bench Trial | <u>3 day</u> | <u>8:30 a.m.</u> <u>10/1/07</u> |
| | ii. Jury Trial | | |

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 1th day of August, 2006.

BY THE COURT:



Honorable David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. The identity of experts and the subject of their testimony shall be disclosed as soon as an expert is retained or, in the case of an employee-expert, as soon as directed to prepare a report.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOE RAKES,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
MOTION FOR JUDGMENT OF
ACQUITTAL AND SETTING
SENTENCING HEARING

Case No. 2:05-CR-131 TS

On March 29, 2006, Defendant filed the instant Motion for Judgment of Acquittal, pursuant to Fed.R.Crim.P. 29(c), which provides for such a motion to be filed or renewed within seven days after a guilty verdict. The jury reached a verdict of guilty on Count II¹ on March 23, 2006. Therefore, Defendant's Motion was timely filed.

¹ Count I was dismissed by the Court on Defendant's previous Rule 29(a) Motion for Judgment of Acquittal on March 23, 2006. Docket No. 103.

Defendant did not file his supporting memorandum² until July 7, 2006.³ Prior to that, upon order of the Court,⁴ the government filed its response to the Motion on June 23, 2006.⁵ The government also filed as a response/reply to Defendant's memorandum on July 11, 2006.⁶

DISCUSSION

In determining a Motion for Judgment of Acquittal under Fed.R.Crim.P. 29, the Court must consider whether “the evidence is insufficient to sustain a conviction.” The Tenth Circuit has clarified that the Court is to view the evidence in the light most favorable to the government, and determine whether any rational trier of fact could have found Defendant guilty of the crime charged, beyond a reasonable doubt.⁷ The Court can neither “weigh conflicting evidence nor consider the credibility of witnesses.”⁸ The evidence must “reasonably support the jury’s finding of guilt beyond a reasonable doubt.”⁹

To meet its burden, the government was required to establish, beyond a reasonable doubt, the following: that 1) Defendant agreed with at least one other person to prevent by force,

² In his March 29, 2006 Motion, Defendant requested additional time to file the memo.

³ Docket No. 140.

⁴ Docket No. 135.

⁵ Docket No. 136.

⁶ Docket No. 143.

⁷ See *United States v. Avery*, 295 F.3d 1158, 1177 (10th Cir. 2002).

⁸ *United States v. Delgado-Uribe*, 363 F.3d 1077, 1081 (10th Cir. 2001).

⁹ *United States v. Pulido-Jacobo*, 377 F.3d 1124, 1129 (10th Cir. 2004).

violence or intimidation, Assistant United States Attorney Leshia Lee-Dixon, from discharging the duties of her office; 2) Defendant knew the essential objective of the conspiracy; 3) Defendant knowingly and voluntarily participated; and 4) there was interdependence among the members of the conspiracy; that is, the members, in some way or manner, intended to act together for their shared mutual benefit within the scope of the conspiracy charged.

In this case, the Court previously entered a ruling, at the close of evidence in the jury trial on March 23, 2006,¹⁰ finding that the government had presented sufficient evidence which may allow a rational trier of fact to find guilt beyond a reasonable doubt. At that time, the Court denied Defendant's Rule 29 Motion as to Count II. No new evidence has been offered which would alter the Court's previous ruling.

It is the Court's view that, if it were to accept Defendant's arguments, it would amount to an impermissible weighing of credibility and conflicting evidence, which is solely the providence of the jury as finder of fact. In both written and oral argument, Defendant has mustered the facts to make his best case that the evidence was insufficient for a rational jury to find guilt beyond a reasonable doubt, and the government has done likewise to support its opposing argument. The fact is that the government was able to muster those facts for the jury to rely on. For the Court to superimpose its judgment as to which of those facts should or should not be believed would be contrary to the standard the Court must follow. The Court remains convinced that a reasonable jury could have found guilt based upon the evidence presented at trial and, indeed, the jury did so in this case.

¹⁰ Docket No. 103.

The Court has viewed the evidence presented to the jury in the light most favorable to the government, and considered the standard of whether sufficient evidence has been presented which would allow a rational trier of fact to find guilt beyond a reasonable doubt. Based thereon, the Court will DENY Defendant's Motion for Judgment of Acquittal, brought pursuant to Fed.R.Crim.P. 29(c).

CONCLUSION

Based on the above, it is hereby


ORDERED that Defendant's Motion for Judgment of Acquittal (Docket No. 116) is DENIED. It is further

ORDERED that a sentencing hearing will be held on August 23, 2006 at 2:00 p.m.

SO ORDERED.

DATED August 11, 2006.

BY THE COURT:



TED STEWART
United States District Judge

UNITED STATES DISTRICT COURT

Central

District of

UNITED STATES OF AMERICA

V.

Raul Sepulveda

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 2:05CR000875-001

USM Number: 13126-081

Viviana Ramirez

Defendant's Attorney

FILED IN UNITED STATES DISTRICT
COURT DISTRICT OF UTAH
AUG 10 2006
BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

THE DEFENDANT:

☒ pleaded guilty to count(s) III - Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| Title & Section | Nature of Offense | Offense Ended | Count |
|-----------------|---|---------------|-------|
| 21USC§841(a)(1) | Possession of Cocaine with Intent to Distribute | | III |

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) I, II and IV ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/9/2006

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

Date

8-9-2006

DEFENDANT: Raul Sepulveda
CASE NUMBER: DUTX 2:05CR000875-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

37 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution in the Los Angeles area, for family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Raul Sepulveda
CASE NUMBER: DUTX 2:05CR000875-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Raul Sepulveda
CASE NUMBER: DUTX 2:05CR000875-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.

DEFENDANT: Raul Sepulveda
CASE NUMBER: DUTX 2:05CR000875-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | | | |
|---------------|-------------------|-------------|--------------------|
| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
| TOTALS | \$ 100.00 | \$ | \$ |

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|----------------------|--------------------|----------------------------|-------------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
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| | | |
|---------------|---------------|---------------|
| TOTALS | \$ _____ 0.00 | \$ _____ 0.00 |
|---------------|---------------|---------------|

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Raul Sepulveda
CASE NUMBER: DUTX 2:05CR000875-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

United States District Court

District of Utah

~~FILED~~
U.S. DISTRICT COURT

2006 AUG -9 P 2:12

UNITED STATES OF AMERICA

vs.

Carl Lynn Hopkins

aka Carl Hopkins

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

CLERK OF DISTRICT OF UTAH

BY: DEPUTY CLERK

Case Number: DUTX 2:05CR000931-001

Plaintiff Attorney: Eric Bunderson

Defendant Attorney: Wendy M. Lewis

Atty: CJA ___ Ret ___ FPD X

Defendant's Soc. Sec. No.: XXX-XX-0229

Defendant's Date of Birth: 1946

Defendant's USM No.: 13199-081

Defendant's Residence Address:

Country _____

08/08/2006

Date of Imposition of Sentence

Defendant's Mailing Address:

Country _____

THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)

COP 04/24/2006 Verdict _____

One of the Indictment

Title & Section

18 USC § 922(g)(9)

Nature of Offense

Convicted Domestic Violence Offender in
Possession of a Firearm and Ammunition

Count

Number(s)

1

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

46 Months

Upon release from confinement, the defendant shall be placed on supervised release for a term of

36 Months

☐ The defendant is placed on Probation for a period of _____.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. The defendant shall participate in a Domestic Violence treatment program under a copayment plan as directed by the probation office in order to address Cognitive Restructuring, thinking errors, and anger management issues.
3. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing.
4. The defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the USPO.
5. The defendant shall not use or possess alcohol, nor frequent business where alcohol is the chief item of order.
6. Pursuant to 42 U.S.C. § 14135a and 10 U.S.C. § 1565, as authorized in Section 3 of the DNA Analysis Backlog Elimination Act of 2000 and Section 203 of the Justice for All Act of 2004, the defendant shall submit to the collection of a DNA sample at the direction of BOP or the United States Probation Office.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ NONE , payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other:
-
-

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
-

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

| <u>Name and Address of Payee</u> | <u>Amount of Loss</u> | <u>Amount of Restitution Ordered</u> |
|----------------------------------|-----------------------|--|
|----------------------------------|-----------------------|--|

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☐ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other: _____
- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00 , payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant be evaluated for medical needs, prior to placement in federal facility. It is then recommended that the defendant be placed in a facility where he can receive needed medical care.

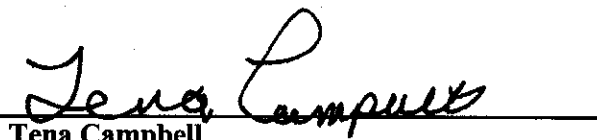
CUSTODY/SURRENDER

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE: 8-9-2006


Tena Campbell
United States District Judge

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

Pages 6 - 6

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

AUG 11 2006

MARKUS B. ZIMMER, CLERK
BY

DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MARGARITA JUAREZ,

Plaintiff,

vs.

STATE OF UTAH DEPARTMENT OF
HEALTH - FAMILY DENTAL PLAN,
ANDREA HIGHT, and ERICA VEKTER,

Defendants.

ORDER GRANTING SECOND MOTION TO
EXTEND TIME TO FILE DEFENDANT'S
REPLY RE: MOTION FOR SUMMARY
JUDGMENT

Case No. 2:05CV0053PGC

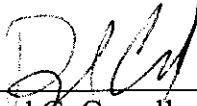
The court grants the defendant's second motion for an extension of time [#84] in which to file a reply regarding the defendant's motion for summary judgment. The defendant has until August 21, 2006 to file a reply. In order to preserve the date set for oral argument in this matter, no additional time will be granted to file electronically.

The reply must be electronically filed by August 21, 2006, or it will not be accepted as timely.

SO ORDERED.

DATED this 11th day of August, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

REID M. JENSEN,

Plaintiff,

vs.

UNIVERSITY PROPERTIES, INC.,

Defendant.

ORDER

Case No. 2:05-CV-172 TC

On August 3, 2006, the court granted in part and denied in part the Plaintiff's Motion for Partial Summary Judgment, with the exception of one issue which the court took under advisement. That issue is whether the executive exemption under the Fair Labor Standards Act (FLSA) requires, among other things, that a bona fide executive supervise at least two full-time employees (or the equivalent) who collectively worked eighty hours or more per week. The Defendant contends that the supervised employees need only collectively work seventy or more hours per week. That is, the Defendant contends that a "full-time employee" is defined as an employee who works thirty-five or more hours per week, not forty or more hours per week.

Having reviewed the issue, the court now holds that, for purposes of this case, a "full-time employee" is one who works forty or more hours per week. Based on the undisputed facts set forth in the briefs, Mr. Jensen was not an exempt employee under the FLSA during the period April 16, 2003, to May 15, 2003, and Plaintiff is entitled to summary judgment for that period of time. The court will issue the reasons for its holding in Findings of Fact and Conclusions of Law

following the upcoming bench trial.

IT IS SO ORDERED this 11th day of August, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge

AUG 11 2006

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

CHRISTINA M. ELLIS,

Plaintiff,

vs.

JO ANNE B. BARNHART
Commissioner of the Social Security
Administration,

Defendant.

**MEMORANDUM DECISION AND
ORDER ON ADMINISTRATIVE
APPEAL**

Case No. 2:05cv303

Judge Dale A. Kimball

Plaintiff, Ms. Christina M. Ellis, appeals the denial of her claims for Disability Insurance Benefits and Supplemental Security Income by the Commissioner of the Social Security Administration pursuant to 42 U.S.C. § 405(g). For the reasons outlined below, the Commissioner's decision is REVERSED and REMANDED.

I. STANDARD OF REVIEW

The Commissioner's decision is reviewed to determine whether the factual findings are supported by substantial evidence and whether the relevant legal standards were correctly applied. Daniels v. Apfel, 154 F.3d 1129 (10th Cir. 1998), citing Castellano v. Secretary of Health & Human Services, 26 F.3d 1027, 1028 (10th Cir. 1994). Substantial evidence is more than a mere scintilla but less than a preponderance. "It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Richardson v. Perales, 402 U.S. 389 (1971).

II. DISCUSSION

The Commissioner follows a five-step sequential evaluation process for determining disability. The five steps are: (1) whether the claimant is currently working; (2) whether the claimant suffers from a severe impairment; (3) whether the impairment meets or equals the criteria for an impairment listed in Appendix 1 of 20 C.F.R. Subpt. P; (4) whether the impairment prevents the claimant from performing her past relevant work; and (5) whether the impairment prevents the claimant from performing other work. The burden is on the Plaintiff to meet the first four steps. However, if Plaintiff does meet all four, the burden shifts to the Commissioner to establish that there are other jobs existing in a significant number in the national economy which Plaintiff is capable of performing.

In this case, the ALJ found that Ms. Ellis had not engaged in substantial gainful activity since the date she alleged she became disabled (July 15, 2000), and that she suffers from severe impairments. The ALJ found that Ms. Ellis's condition does not meet a Listings impairment. At step four the ALJ concludes Ms. Ellis has no past relevant work and the burden shifted to the Commissioner to show Ms. Ellis can perform other work available in significant numbers. At step five, the ALJ finds Ms. Ellis can perform work as a cashier, a housekeeper, and a dishwasher, and therefore, relying on a component of the VE's testimony, concludes she can perform jobs available in significant numbers, and thereby denies her claim. The ALJ's findings at steps one, two and four are not disputed in this appeal.

In her appeal, Plaintiff raises the following issues: (1) whether the ALJ's credibility finding at step five is based on legal error; (2) whether the ALJ failed to develop the record by failing to order a psychological assessment; and (3) whether the ALJ's determination regarding Ms. Ellis's mental RFC assessment is supported by substantial evidence.

First, Ms. Ellis argues that the ALJ's finding that Ms. Ellis's testimony was not fully credible is contrary to federal case law. I agree. The ALJ ruled that Ms. Ellis's testimony was not fully credible because (1) Ms. Ellis's vision problems could be treated with glasses or contact lenses and her migraines could be treated with medications, and (2) Ms. Ellis had applied for both job placement and disability benefits. However, it is legal error to hold against a claimant (1) the failure to get treatment when it cannot be afforded and (2) the attempts to find employment after the onset date of the disability. Both considerations are improper grounds on which to base a credibility finding.

Social Security Ruling 96-7p gives guidelines for assessing the claimant's credibility, stating: "[An] individual's statements may be less credible ... if the medical reports or records show that the individual is not following the treatment as prescribed and there is no good reason for this failure." SSR 96-7p (on the web at www.ssa.gov/OPHome/rulings). A claimant's proven inability to afford the prescribed treatment is a "good reason" for not following the treatment. "Several [courts] have considered whether disabled claimants may be denied benefits if their condition is remediable but they cannot afford the necessary medical treatment. All have concluded that the Commissioner may not deny benefits in those circumstances." Gamble v. Chater, 68 F.3d 319, 320-321 (9th Cir. 1995); see also Lovelace v. Bowen, 813 F.2d 55, 59 (5th Cir. 1987) ("the medicine or treatment an indigent person cannot afford is no more a cure for his condition than if it had never been discovered"). Contrary to these rules, the ALJ finds that Ms. Ellis's testimony is not credible because she failed to get glasses and does not take Midrin, a medication that diminishes the severity of her migraines. The ALJ erred in holding Ms. Ellis less credible because she has not followed prescribed treatment she cannot afford.

Also, a claimant's "willingness to work or attempts to find work are not a proper basis for discrediting" disability claims. Harrison v. Shalala, 1994 U.S. Dist. LEXIS 18931 (D. Kan. 1994); see also Cavitt v. Schweiker, 704 F.2d 1193, 1195 (10th Cir. 1983). The Court finds that the ALJ erred in holding that, because Ms. Ellis applied for both job placement assistance and disability benefits, Ms. Ellis must have believed she was capable of work and she was therefore not credible. A claimant should not be penalized for trying to find employment in spite of her disability. To accept the ALJ's reasoning would encourage disability claimants to refrain from seeking work in order to protect their claims for disability benefits.

Therefore, the Court REMANDS the case on this issue for a proper consideration of Ms. Ellis's credibility.

Second, Ms. Ellis argues that the ALJ failed to adequately develop the record by not ordering a psychological evaluation. The ALJ has a basic duty to develop a full and fair record. 20 C.F.R. § 416.912(d). In order to comply with this duty, the ALJ is required to order an examination where there is not sufficient evidence to make a determination regarding a diagnosis contained in the record. See 20 C.F.R. §§ 404.1519(a) and 416.1919(a); Hawkins v. Chater, 113 F.3d 1162 (10th Cir. 1997). The evidence contained in the record and evidence presented during the hearing before the ALJ shows that Ms. Ellis had been seeing a mental health counselor for depression, and that the counselor recommended Ms. Ellis continue counseling. The ALJ acknowledged that Ms. Ellis "has suicidal thoughts twice a month and has made plans." Despite this testimony and evidence, the ALJ did not order that Ms. Ellis undergo any psychological testing. In fact, the ALJ made no effort to explain why she did not feel such was necessary, even though counsel for claimant requested that the judge consider such. This failure to order

additional tests to evaluate the mental problems of Ms. Ellis, which were already contained in the record, is a breach of the ALJ's duty to fully develop the record and resolve ambiguities.

The Court REMANDS this matter and RECOMMENDS that the ALJ order a psychological evaluation of Ms. Ellis so that her mental impairments can be properly considered.

Third, Ms. Ellis argues that the RFC determination made by the ALJ was not supported by substantial evidence because it did not incorporate any limitations regarding her migraines or depression. Because the case has already been REMANDED on the prior two issues, the Court finds it unnecessary to reach this issue.

III. CONCLUSION

Based upon the above analysis, IT IS HEREBY ORDERED that the Commissioner's decision denying Ms. Ellis's applications for Disability Insurance Benefits and Supplemental Security Income is REVERSED and REMANDED.

DATED this 11th day of August, 2006.



Judge Dale A. Kimball
United States District Court

Approved as to form:

Amy Oliver
Office of the U.S. Attorney
Counsel for Defendant

AUG 10 2006

MARKUS B. ZIMMER, CLERK

BY _____
DEPUTY CLERK

Barton H. Kunz II, Utah Bar No. 8827

bart.kunz@chrisjen.com

Dale J. Lambert, Utah Bar No. 1871

dale.lambert@chrisjen.com

CHRISTENSEN & JENSEN, P.C.

50 South Main Street, Suite 1500

Salt Lake City, Utah 84144

Telephone: (801) 323-5000

Facsimile: (801) 355-3472

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

DIATECT INTERNATIONAL
CORPORATION, a California corporation,

Plaintiff,

vs.

ORGANIC MATERIALS REVIEW
INSTITUTE, a Delaware nonprofit
corporation,

Defendant.

Case No.: 2:05CV00465-JTG
Judge J. Thomas Greene

PROTECTIVE ORDER

The Court, having considered the parties' Stipulated Motion for Entry of Protective Order, and good cause appearing therefor, hereby **ORDERS** that any person subject to this Protective Order shall adhere to the following terms upon pain of contempt:

1. For purposes of this Protective Order, the term "Confidential Information" shall refer to information that a party believes in good faith will cause it damage if publicly disclosed and/or to be a trade secret or confidential research, development, or other proprietary business, financial, commercial, personnel, or other information protected from discovery under

state or federal statutory law, common law, contract, or Federal Rule of Civil Procedure 26(c). Such Confidential Information includes information contained in documents or elicited at a deposition and designated as "CONFIDENTIAL" as set forth below. Confidential Information obtained pursuant to discovery in this litigation shall be maintained by the receiving party in confidence and may only be used for purposes of this litigation as herein described.

2. For purposes of this Protective Order, the term "Highly Confidential Information" shall refer to the same information as that designated as Confidential Information, but that the designating party believes in good faith must be even more restricted in its distribution than Confidential Information to avoid damage from its disclosure, or to preserve its status or value as a trade secret or confidential research, development, or other proprietary business, financial, commercial, personnel, or other information protected from discovery under state or federal statutory law, common law, contract, or Federal Rule of Civil Procedure 26(c). Such Highly Confidential Information includes information contained in documents or elicited at a deposition and designated as "ATTORNEY EYES ONLY" as set forth below. Highly Confidential Information obtained pursuant to discovery in this litigation shall be maintained by the receiving party in confidence and may only be used for purposes of this litigation as herein described.

3. Whenever a party producing a document desires to designate information contained in the document as Confidential Information, that party shall mark each page of the document with the notation "CONFIDENTIAL" before the document is delivered to the requesting party or parties. Any copy of a document that contains Confidential Information shall bear on its face a "CONFIDENTIAL" notation. A party may designate information contained in

a document produced by a third party or an adverse party as Confidential Information by notifying the other parties to this litigation in writing. The same procedure will apply to documents a producing party wishes to designate as Highly Confidential Information, except that the document shall be marked with the notation "ATTORNEY EYES ONLY."

4. Whenever a party desires to designate deposition testimony as Confidential or Highly Confidential Information, counsel for such party shall designate on the record of the deposition what testimony shall be so designated, and may also, upon receipt of the transcript, designate further portions of the transcript as Confidential or Highly Confidential Information by notifying all parties to this litigation in writing within thirty days from receipt of the official transcript. Such designated documents or deposition testimony will thereafter be treated as Confidential or Highly Confidential Information under the terms of this Protective Order.

5. If, at any time prior to the trial of this action, a producing party realizes that certain documents or deposition testimony that party previously produced without or with less restriction should be designated as Confidential or Highly Confidential Information, the party may so designate by timely apprising all parties in writing. Such designated documents or deposition testimony will thereafter be treated as Confidential or Highly Confidential Information under the terms of this Protective Order.

6. If a party objects to the designation of information as Confidential or Highly Confidential Information, that party shall timely notify the other parties in writing of the objection. The party making the designation or request and the party objecting to the designation or request will confer in good faith regarding any dispute over the designation or request within

fifteen days of receipt of notice of the dispute. If these parties are unable to resolve such a dispute, either party may, within an additional fifteen days, ask the Court for a determination.

7. Confidential Information may be disclosed only to the following persons: (a) the parties; (b) the attorneys working on this matter on behalf of any party to this litigation and the attorneys' employees; (c) any person who is retained by any party or attorney to assist in preparation of this matter for trial, but only after such person has been provided a copy of this Protective Order and acknowledged her/his willingness to abide by the Protective Order by executing an Acknowledgement of Protective Order in the form attached as Exhibit 1 hereto; (d) any witness who may testify at a deposition or at trial, but only after such person has been provided a copy of this Protective Order and has acknowledged her/his willingness to abide by the Protective Order by executing an Acknowledgement of Protective Order in the form attached as Exhibit 1 hereto; and (e) the Court and court personnel.

8. Any person who makes a disclosure of Confidential Information permitted under the foregoing subparagraphs 7(c) and (d) shall first advise each person to whom such disclosure is made concerning the terms of this Protective Order, and provide them with a copy of this Protective Order and have them sign an Acknowledgement of Protective Order in the form attached hereto as Exhibit 1. Each signed Acknowledgement of Protective Order shall be retained by the disclosing party's counsel, who will produce it to all other parties' counsel either prior to or at the time when the person is permitted to testify (at deposition or trial) or at the conclusion of the case, whichever comes first.

9. Highly Confidential Information may be disclosed only to the following persons: (a) the attorneys working on this matter on behalf of any party to this litigation and the attorneys' employees; and (b) the Court and court personnel.

10. Any Confidential or Highly Confidential Information submitted, presented to, or filed with the Court shall be filed under seal and shall not be made available to persons other than the Court and persons authorized by this Protective Order.

11. Confidential or Highly Confidential Information obtained pursuant to this Protective Order may be used by the person(s) who received the information for purposes of this litigation only. The person(s) shall not use Confidential or Highly Confidential Information in any other litigation, for commercial purposes, or for any other purpose. This Protective Order is not limited to disclosure of the documents or materials themselves, but also prohibits disclosure of the substance of the information contained in the documents and material designated as Confidential or Highly Confidential Information, except as provided herein.

12. This Protective Order shall survive the termination of this litigation. At the end of each party's involvement in this litigation, the party shall either destroy or return all documents or deposition transcripts containing Confidential or Highly Confidential Information to the party that designated the information as Confidential or Highly Confidential Information, except to the extent necessary to preserve a record of the decision-making process in the case. For purposes of this Protective Order, a party's involvement in this litigation is ended when all claims the party asserted and all claims asserted against that party are finally resolved by a final, nonappealable order or settlement.

13. The Court shall retain jurisdiction over all persons subject to this Protective Order to the extent necessary to enforce any obligations arising hereunder or to impose sanctions for contempt thereof.

DATED this 27th day of August, 2006.

BY THE COURT:

J. Thomas Greene
Judge J. Thomas Greene
U.S. District Court for the District of Utah

*Subject to attached
Addendum*

APPROVED AS TO FORM this 31st day of July, 2006:

BOSTWICK & PRICE, P.C.

/s/Benjamin D. Johnson

*(A copy of this document bearing an
original signature is being maintained
at the offices of attorneys for defendant.)*

Randy B. Birch

Benjamin D. Johnson

Attorneys for Plaintiff

**In the United States District Court
for the District of Utah, Central Division**

DIATECT INTERNATIONAL
CORPORATION, a California corporation,

Plaintiff,

vs.

ORGANIC MATERIALS REVIEW
INSTITUTE, a Delaware nonprofit
corporation,

Defendant.

**PROTECTIVE ORDER
ADDENDUM**

Case No. 2:05CV0465

Notwithstanding any provision of the attached Protective Order, it is hereby

ORDERED, that the attached Protective Order is adopted by the court except to the extent that it is inconsistent with the following provisions which modify, supplement and govern:

1. No document, portion of deposition or other writing may be filed or lodged with the court under seal or subject to confidentiality or other restrictions without further order of the court on a showing of good cause.
2. Documents and materials which are filed or lodged with the court or admitted into evidence at trial or at any public proceeding shall no longer be regarded as confidential, and restrictions imposed by the Protective Order shall be of no further force or effect unless otherwise ordered by the court on a showing of good cause.

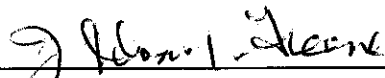
3. Documents which are filed or lodged with the court may not automatically be returned to the parties or placed under seal or remain under seal or subject to restrictions arising from the Protective Order at the conclusion of the case or resolution of the lawsuit without further order of the court on a showing of good cause.

4. The court is not bound by the agreement of the parties that documents or other materials should be designated as confidential and subject to restrictions, and may at any time require a showing of good cause for the maintenance of confidentiality designations and other restrictions.

5. The court on its own initiative and in its discretion at any time may amend or make further changes in the Protective Order.

IT IS SO ORDERED.

DATED this 9th day of August 2006.



J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 11 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

Catherine M. Larson, #6597
Suzette H. Goucher, #9185
STRONG & HANNI
Attorneys for Defendant
Community Nursing Services
3 Triad Center, Suite 500
Salt Lake City, UT 84180
Telephone: (801) 532-7080
Facsimile: (801) 596-1508

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION

DARRELL GYGI, individually, and as)
Personal Representative of the Estate of)
CHRISTINE TATE GYGI, deceased, and as)
the natural parent and guardian of their)
minor children, CAMERON SCOTT GYGI)
and RACHEL LAUREN GYGI, and their)
adult children on their own behalf, DAVID)
JOHN GYGI and STEPHEN)
CHRISTOPHER GYGI,)

Plaintiffs,)

v.)

ST. GEORGE SURGICAL AND)
MEDICAL CENTER, L.P., MARCUS)
PETERSON, M.D., COMMUNITY)
NURSING SERVICES, and STAPLEY)
PHARMACY INC., aka, BATEMAN)
PHARMACY,)

Defendants.)

ORDER COMMISSIONING OUT OF
STATE SUBPOENA

Case No. 2:05CV505

Judge Dale A. Kimball

Based upon the ex parte motion of Defendant, Community Nursing Services, and pursuant to Rule 45(b)(2) of the Federal Rules of Civil Procedure, Rule 45 of the Nevada Rules of Civil Procedure and Rule 2.80 of the Nevada Eighth Judicial District Court Rules,

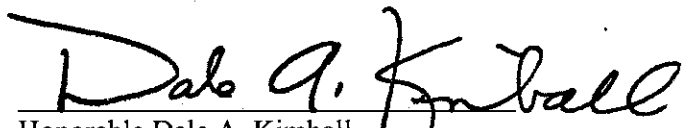
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Clerk of Court for Clark County, State of Nevada, or any other person authorized to administer oaths in Clark County, State of Nevada, is hereby appointed, commissioned, and authorized to subpoena the complete medical file and/or records for Christine Tate Gygi (DOB 05/14/63, Social Security #454-39-3588), from the following:

- David R. Aberman, M.D. - 1810 East Sahara Avenue, Las Vegas, NV
89104.

DATED this 11th day of August, 2006.

BY THE COURT


Honorable Dale A. Kimball
United States District Court Judge

Catherine M. Larson, #6597
Suzette H. Goucher, #9185
STRONG & HANNI
Attorneys for Defendant
Community Nursing Services
3 Triad Center, Suite 500
Salt Lake City, UT 84180
Telephone: (801) 532-7080
Facsimile: (801) 596-1508

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 11 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION

DARRELL GYGI, individually, and as)
Personal Representative of the Estate of)
CHRISTINE TATE GYGI, deceased, and as)
the natural parent and guardian of their)
minor children, CAMERON SCOTT GYGI)
and RACHEL LAUREN GYGI, and their)
adult children on their own behalf, DAVID)
JOHN GYGI and STEPHEN)
CHRISTOPHER GYGI,)

Plaintiffs,)

v.)

ST. GEORGE SURGICAL AND)
MEDICAL CENTER, L.P., MARCUS)
PETERSON, M.D., COMMUNITY)
NURSING SERVICES, and STAPLEY)
PHARMACY INC., aka, BATEMAN)
PHARMACY,)

Defendants.)

ORDER COMMISSIONING OUT OF
STATE SUBPOENA

Case No. 2:05CV505

Judge Dale A. Kimball

Based upon the ex parte motion of Defendant, Community Nursing Services, and pursuant to Rule 45(b)(2) of the Federal Rules of Civil Procedure and Rule 2-510 of the Maryland Rules of Civil Procedure,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Montgomery County, State of Maryland, Circuit Clerk of Court, or any other person authorized to administer oaths in Montgomery County, State of Maryland, is hereby appointed, commissioned, and authorized to subpoena the complete medical file and/or records for Christine Tate Gygi (DOB 05/14/63, Social Security #454-39-3588), from the following:

- Kaiser Permanente Health Care - 10500 Summit Avenue, Kensington, MD 20895;
- Montgomery General Hospital - 18101 Prince Philip Drive, Olney, MD 20832; and
- Joseph S. Buffington, M.D. - 3300 Olney Sandy Spring Road, Suite 330, Olney, MD 20832.

DATED this 11th day of August, 2006.

BY THE COURT


Honorable Dale A. Kimball
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**[REDACTED] E. WEBER CANYON
ROAD, OAKLEY, UTAH, et al.,**

Defendants.

ORDER OF RECUSAL

Case No. 2:05-cv-00520-TS-PMW

Judge Ted Stewart

Magistrate Judge Paul M. Warner

I recuse myself in this case and ask that it be referred to another Magistrate Judge.

DATED this 9th day of August, 2006.

BY THE COURT:



PAUL M. WARNER

United States Magistrate Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

Kevin D. Swenson (#5803)
SUITTER AXLAND, PLLC
8 East Broadway, Suite 200
Salt Lake City, UT 84111
Telephone: (801) 532-7300

Attorneys for Defendant Bimco, Inc.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AMANDA MECHAM,

Plaintiff,

vs.

BIMCO, INC.,

Defendant.

ORDER OF WITHDRAWAL
OF COUNSEL

Case No. 2:05cv00590TC

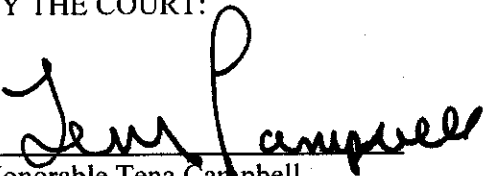
Judge: Tena Campbell

The Court, having considered counsel's *Application for Withdrawal as Counsel* and it appearing to the Court that the *Application of Withdrawal of Counsel* complies with Local Rule DUCivR 83-1.4(a)(3), and good cause appearing, therefor:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Kevin D. Swenson and Suitter Axland, PLLC is withdrawn as counsel for BIMCO, Inc. in the above-captioned matter.

DATED this 10 day of August, 2006.

BY THE COURT:



Honorable Tena Campbell
United States District Court Judge

PETER L. ROGNLIE (4131)
PEGGY E. STONE (6658)
Assistant Utah Attorneys General
MARK SHURTLEFF (4666)
Utah Attorney General
Attorneys for Bradley Bassi
160 East 300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0100

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

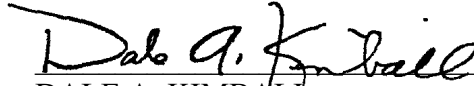
| | | |
|---|---|------------------------------------|
| MICHAEL BRIAN WHITEMAN, an individual, | : | |
| | : | ORDER GRANTING |
| Plaintiff, | : | BRADLEY BASSI'S EX PARTE |
| | : | MOTION FOR ENLARGEMENT OF |
| v. | : | TIME TO ANSWER OR OTHERWISE |
| | : | RESPOND TO PLAINTIFF'S |
| STATE OF UTAH, DEPARTMENT OF CORRECTIONS, VERNON SIMISTER, an individual; BRADLEY BASSI, an individual; and JOHN and JANE DOES 1 thru 10, | : | COMPLAINT AND JURY DEMAND |
| | : | Case No. 2:05cv00733 |
| | : | Judge Dale A. Kimball |
| Defendants. | : | |

BASED upon *Bradley Bassi's Ex Parte Motion for Enlargement of Time To Answer or Otherwise Respond to Plaintiff's Complaint and Jury Demand* and good cause appearing, the Court enters the following order:

The motion is granted. Bradley Bassi has up to and including August 29, 2006, to answer or to otherwise respond to the *Complaint and Jury Demand*.

DATED this 11th day of August, 2006.

BY THE COURT:



DALE A. KIMBALL
United States District Court Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CODY GROUP, L.L.C., a Utah Limited
Liability Company

Plaintiff,

vs.

RIVERBANK OIL TRANSFER, L.L.C.,

Defendant.

:

:

:

:

:

NOTICE OF RECUSAL

Case No. 2:05CV 964 TC

I recuse myself in this case, and ask that it be reassigned to another Magistrate Judge

DATED this 8th day of August, 2006,

BY THE COURT:


BROOKE C. WELLS
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
Central Division for the District of Utah

LINDA DOLAN, et al.,

Plaintiff,

vs.

ARTHREX, INC., et al.,

Defendant.

**SCHEDULING ORDER AND
ORDER VACATING HEARING**

Case No. 2:05-CV-1044 TS

District Judge Ted Stewart

Magistrate Judge Brooke C. Wells

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for August 16, 2006, at 10:00 a.m. is VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|---|----------------------|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| | a. Was Rule 26(f)(1) Conference held? | <u>Yes</u> |
| | b. Has Attorney Planning Meeting Form been submitted? | <u>Yes</u> |
| | c. Was 26(a)(1) initial disclosure completed? | <u>9/30/06</u> |
| 2. | DISCOVERY LIMITATIONS | <u>NUMBER</u> |
| | a. Maximum Number of Depositions by Plaintiff(s) | <u>10</u> |
| | b. Maximum Number of Depositions by Defendant(s) | <u>10</u> |
| | c. Maximum Number of Hours for Each Deposition (unless extended by agreement of parties) | <u>7</u> |
| | d. Maximum Interrogatories by any Party to any Party | <u>25</u> |
| | e. Maximum requests for admissions by any Party to any Party | <u>25</u> |
| | f. Maximum requests for production by any Party to any Party | <u>25</u> |

3. AMENDMENT OF PLEADINGS/ADDING PARTIES²

- | | |
|--|--|
| a. Last Day to File Motion to Amend Pleadings | <u>Pla</u> <u>11/30/06</u> <u>Dft</u> <u>12/30/06</u> |
| b. Last Day to File Motion to Add Parties | <u>Pla</u> <u>11/30/06</u> <u>Dft</u> <u>12/30/06</u> |

4. RULE 26(a)(2) REPORTS FROM EXPERTS³

- | | |
|---------------------------|----------------|
| a. Plaintiff | <u>7/13/07</u> |
| b. Defendant | <u>9/13/07</u> |
| c. Counter Reports | |

5. OTHER DEADLINES

- | | |
|--|-----------------|
| a. Discovery to be completed by: | |
| Fact discovery | <u>6/12/07</u> |
| Expert discovery | <u>11/12/07</u> |
| b. (optional) Final date for supplementation of disclosures and discovery under Rule 26 (e) | |
| c. Deadline for filing dispositive or potentially dispositive motions | <u>12/17/07</u> |

6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION

- | | |
|---|----------------|
| a. Referral to Court-Annexed Mediation | <u>No</u> |
| b. Referral to Court-Annexed Arbitration | <u>No</u> |
| c. Evaluate case for Settlement/ADR on | <u>2/22/08</u> |
| d. Settlement probability: | <u>Fair</u> |

7. TRIAL AND PREPARATION FOR TRIAL:

- | | |
|--|----------------|
| a. Rule 26(a)(3) Pretrial Disclosures⁴ | |
| Plaintiffs | 3/7/08 |
| Defendants | 3/21/08 |

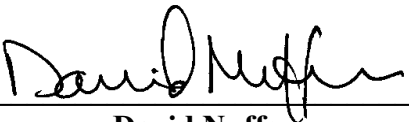
- b. **Objections to Rule 26(a)(3) Disclosures**
(if different than 14 days provided in Rule)
- c. **Special Attorney Conference⁵ on or before** **4/4/08**
- d. **Settlement Conference⁶ on or before** **4/18/08**
- e. **Final Pretrial Conference** **2:30 p.m.** **5/2/08**
- f. **Trial** **Length** **Time** **Date**
 - i. **Bench Trial**
 - ii. **Jury Trial** **7 Days** **8:30 a.m.** **5/12/08**

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 11 day of August, 2006.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

6. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

S:\IPT\2006\Dolan v Arthrex 205cv1044TS 081106 asb.wpd

EDWARD K. BRASS (432)
Attorney for Defendant
175 East 400 South, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 322-5678
Facsimile: (801) 322-5677

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

RECEIVED

AUG 09 2006

AUG 10 2006

OFFICE OF
JUDGE TENA CAMPBELL
BY **MARKUS B. ZIMMER, CLERK**
DEPUTY CLERK


**IN THE UNITED STATES DISTRICT COURT,
CENTRAL DIVISION, DISTRICT OF UTAH**

| | |
|--|--|
| UNITED STATES OF AMERICA, Plaintiff, v. ROYCE MERLYN RODGERS, Defendant, | ORDER TO CONTINUE SENTENCING Case No. 2:06cr00078 TC |
|--|--|

Based upon the defendant's Motion to Continue Sentencing and good cause appearing, it is ordered that the sentencing scheduled in this matter for August 10, 2006, is continued until the 8/29/06 @ 330 p.m. The Court finds that the best interest of the public and the defendant in a speedy trial dictate the continuance, and therefore this time shall be excluded from the time allowed for trial under Speedy Trial Act, 18 U.S.C. § 3161.

DATED this 9th day of August, 2006.

BY THE COURT:


TENA CAMPBELL
United States District Judge

ELECTRONIC FILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing Order to Continue Sentencing was filed electronically and caused to be served by electronic notice to all parties listed below on this 9th day of August, 2006.

Karen Fojtik
Assistant United States Attorney
185 South State Street #400
Salt Lake City, Utah 84111

Stacey Hirata
United States Probation
350 South Main Street #160
Salt Lake City, Utah 84111

/s/ Heidi B. Bogus

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUL 25 2006

MARKUS B. ZIMMER, CLERK
BY
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

LORRAINE BANNER

Defendant.

Case No. 2:06 CR 110 TC

**CONSENT TO ENTRY OF PLEA
OF GUILTY BEFORE THE
MAGISTRATE JUDGE AND
ORDER OF REFERENCE**

Pursuant to 28 U.S.C. § 636(b)(3), the defendant, LORRAINE BANNER, after consultation and agreement with counsel, consents to United States Chief Magistrate Judge Samuel Alba accepting defendant's plea of guilty and to the Magistrate Judge conducting proceedings pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The defendant also acknowledges and understands that sentencing on his plea of guilty will be before the assigned District Judge after a pre-sentence investigation and report, and compliance with Fed.R.Crim.P. 32.

The United States, by and through the undersigned Assistant United States Attorney, consents to the Magistrate Judge conducting plea proceedings pursuant to Fed.R.Crim.P. 11, and accepting the defendant's plea of guilty as indicated above, pursuant to such proceedings.

DATED this 25 day of July, 2006.

Jessie Banna
Defendant

[Signature]
Attorney for Defendant

[Signature]
Assistant United States Attorney

ORDER OF REFERENCE

Pursuant to 28 U.S.C. § 636(b)(3), and the consent of the parties above mentioned, including the defendant,

IT IS HEREBY ORDERED that United States Chief Magistrate Judge Samuel Alba shall hear and conduct plea rendering under Fed.R.Crim.P. 11, and may accept the plea of guilty from the defendant pursuant thereto after full compliance with Fed.R.Crim.P. 11.

DATED this 25th day of July, 2006

BY THE COURT:

Tena Campbell

Tena Campbell
United States District Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

REBECCA SINGLETARY,

Defendant.

**ORDER TO CONTINUE
JURY TRIAL**

Case No. 2:06-CR-165DAK

Based on the motion to continue trial filed by Defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the day trial previously scheduled to begin August 30, 2006, is hereby continued to the 15th day of November, 2006, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth in paragraph one above is excluded from speedy trial computation.

DATED this 11th day of August, 2006.

BY THE COURT:



DALE A. KIMBALL
United States District Court Judge

United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA

V.

Timothy Charles Broderick

Case Number: 2:06cr483 DAK

FILED IN UNITED STATES DISTRICT
COURT DISTRICT OF UTAH
AUG 1 2006
BY MARKUS J. ZIMMER, Clerk
DEPUTY CLERK
ORDER SETTING
CONDITIONS OF RELEASE

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified) _____

PLACE

on _____

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

_____ dollars (\$) _____

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- () (7) The defendant shall:
- () (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - () (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
 - () (e) report on a regular basis to the supervising officer as directed.
 - () (f) comply with the following curfew:
 - (X) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon. Dft is to remove all firearms from his house this weekend. He is taking them to his mothers house.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - () (m) execute a bail bond with solvent sureties in the amount of \$
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - () (o) surrender any passport to
 - () (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - (X) (t) Dft is to not leave the state of UT without permission from the USPO, dft is also not to leave the country without permission from the USPO. He is allowed to go on his Caribbean cruise on 9/24/06.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

362 E 765 S.

Address

IVINS

City and State

435
UT 84738 986 9292

Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 11 August 2008


Signature of Judicial Officer

Magistrate Judge Paul M. Warner

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

UNITED STATES OF AMERICA

V.

ORDER SETTING
CONDITIONS OF RELEASE
MARKUS B. ZIMMER, CLERK
JULIE CLERK

NGOC HOA HUYNH

Case Number: 2:06-CR-550 PGC - 4

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- ☒ (7) The defendant shall:
- ☒ (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - ☒ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: *& co-defendants*
 - ☒ (e) report on a regular basis to the supervising officer as directed. *biweekly PTS - Person or as directed biweekly*
 - () (f) comply with the following curfew:
 - ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - ☒ (m) execute a ~~bond~~ *Cash* bond with ~~solvent sureties~~ in the amount of \$ *3,000.00*
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - ☒ (o) surrender any passport *clerk's office USDC 4 PM 8/14/2004*
 - ☒ (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - ☒ (t) *NO chg of residence w/o approval of CRT.*
 - ☒ (x) *Travel restricted to state of Utah*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

2943 W. 8380 S.

Address

W. Jordan, UT 84088 569-9233

City and State

Telephone

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
- (☒) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/12/2004



Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

United States District Court

AUG 10 2006

MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

UNITED STATES OF AMERICA

V.

**ORDER SETTING
CONDITIONS OF RELEASE**

HOA THANH VO

Case Number: 2:06-CR-550 PGC — 1

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- ☒ (7) The defendant shall:
- ☒ (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - ☒ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: *& codefendants*
 - ☒ (e) report on a regular basis to the supervising officer as directed. *biweekly & as directed by ATS - in person*
 - () (f) comply with the following curfew:
 - ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: *\$10,000.00*
 - ☒ (m) execute a ~~cash~~ *cash* bond with solvent sureties in the amount of \$
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - ☒ (o) surrender any passport to *Clerk's Office USDC 4 PM 8/14/2006*
 - ☒ (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - ☒ (t) *NO chg of residence w/o approval of CRT.*
 - ☒ (u) *Travel restricted to State of Utah*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Vo Thanh Ho

Signature of Defendant

X 3738 S. Apple Farms Cir.

Address

WVC, UT 84119

City and State

H: (801) 973-1103C: (801) 231-0054

Telephone

Directions to the United States Marshal

The defendant is ORDERED released after processing.

(X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/06Brooke C. Wells

Signature of Judicial Officer

BROOKE C. WELLS**United States Magistrate Judge**

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

MARKUS B. ZIMMER, CLERK

**ORDER SETTING
CONDITIONS OF RELEASE**UNITED STATES OF AMERICA
v.

HENRY NGOC NGUYEN

Case Number: 2:06-CR-550 PGC - Z

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- () (7) The defendant shall:
- () (a) maintain or actively seek employment. *verifiable.*
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - () (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: *& codeendants*
 - () (e) report on a regular basis to the supervising officer as directed. *PTS - biweekly 2/10*
 - () (f) comply with the following curfew: *as directed by PTS - personally*
 - () (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - () (m) execute a *cash* bond with solvent sureties in the amount of \$ *10,000.00.*
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - () (o) surrender any passport to *clerk's office w/lt 4AM, 8/14/2006*
 - () (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t) *No chg of residence w/o approval of crt.*
 - (x) *Travel restricted to state of Utah.*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Henry N. Nguyen

Signature of Defendant

** 734 Shady Dr # 1814*

Address

Taylorville, IL 61842 801-8094160

City and State

Telephone

Or 867-0760

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/06

Brooke C. Wells

Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

UNITED STATES OF AMERICA
v.

ORDER SETTING CONDITIONS OF RELEASE

HUU LUONG HUYNH

Case Number: 2:06-CR-550 PGC-5

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified) United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

_____ dollars (\$) _____

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- ✓ (7) The defendant shall:
- ✓ (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
& codefendants
 - ✓ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
 - ✓ (e) report on a regular basis to the supervising officer as directed. *PTS - Biweekly &/or as directed by supervisor*
 - () (f) comply with the following curfew:
 - ✓ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - ✓ (m) execute a ~~cash~~ *Cash* bond with solvent sureties in the amount of \$ *7,500.00*
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - ✓ (o) surrender any passport to *Clerk's office w/lt 4 PM, 8/14/2004*
 - ✓ (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - ✓ (t) *No chg of residence w/out approval of CRT.*
 - ✓ (u) *Travel restricted to State of Utah.*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

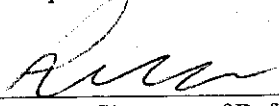
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of DefendantX 1648W 9620 So
AddressSo Jor kin 47 89095
City and State302-5705
Telephone

Cell: 898-7614

Directions to the United States Marshal☒ The defendant is ORDERED released after processing.☒ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/06


Signature of Judicial Officer**BROOKE C. WELLS**
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

UNITED STATES OF AMERICA
v.MARKUS B. ZIMMER, CLERK
ORDER SETTING
DEPUTY CLERK
CONDITIONS OF RELEASE

BUU VAN TROUNG

Case Number: 2:06-CR-550 PGC - 3

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified) United States District Court
PLACE
350 South Main on As Directed
DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

_____ dollars (\$) _____

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- X (7) The defendant shall:
- (X) (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - (X) (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: *\$ codefendants*
 - (X) (e) report on a regular basis to the supervising officer as directed. *PT 5 - biweekly &/or as directed - in person*
 - () (f) comply with the following curfew:
 - (X) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (X) (m) execute a ~~bond~~ *surety* with solvent sureties in the amount of \$ *15,000.*
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (X) (o) surrender any passport to *clerk's office w/ 4 PM, 8/14/04.*
 - (X) (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - (X) (t) *no chg of residence w/o approval of court.*
 - (X) (u) *Travel restricted to State of Utah.*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

X 4037 W. Hollandia Lane

Address

West Jordan UT 84084

City and State

856-4666
967-0503

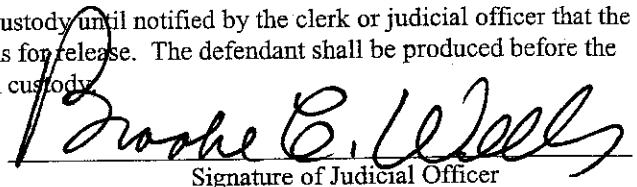
Telephone

Directions to the United States Marshal

The defendant is ORDERED released after processing.

(X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 5/10/2004



Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006
 ORDER SETTING ^{By} JUS B. ZIMMER, CLERK
 CONDITIONS OF RELEASE ^{Deputy Clerk}

Case Number: 2:06-CR-550 PGC - 21

DATE AND TIME

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- (X) (7) The defendant shall:
- (X) (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - (X) (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: *\$ defendant's*
 - (X) (e) report on a regular basis to the supervising officer as directed. *PTS - biweekly &/or personally directed by PTS*
 - () (f) comply with the following curfew:
 - (X) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (X) (m) execute a ~~cash~~ *cash* bond with solvent sureties in the amount of \$ *500.00*.
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (X) (o) surrender any passport to *clerk's office, 1 PM, 8/10/2006*
 - (X) (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - (X) (t) *NO chg of residence w/o approval of CRT.*
 - (X) (u) *Travel restricted to state of Utah*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Wimona J. Fischer
Signature of Defendant

601 N. Martin Rd
Address

Helper, Ut 84526
City and State

435-472-0436

801-366-0435
Telephone

Directions to the United States Marshal

() The defendant is ORDERED released after processing.

(X) The United States marshal is ORDERED to keep the defendant in custody and notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/2004

Brooke C. Wells
Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

UNITED STATES OF AMERICA

V.

**ORDER SETTING
CONDITIONS OF RELEASE**
MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

DANH HUY DO

Case Number: 2:06-CR-550 PGC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- (X) (7) The defendant shall:
- (X) (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - (X) (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:

& co-defendants
 - () (e) report on a regular basis to the supervising officer as directed.
 - () (f) comply with the following curfew:
 - (X) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (X) (m) execute a ~~cash~~ *cash* bond with solvent sureties in the amount of \$ 3,000.00
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (X) (o) surrender any passport to *clerk's office w/it 4 PM, 8/11/2004.*
 - (X) (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - (X) (s) submit to an electronic monitoring program as directed by the supervising officer.
 - (X) (t) *NO chg of residence w/o approval of crt*
 - (X) (u) *Travel restricted to state of Utah*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.


A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

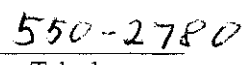
Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



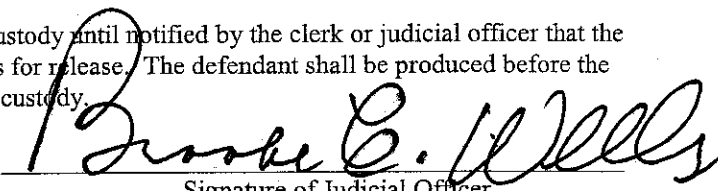
Signature of Defendant

Address

City and State

Telephone**Directions to the United States Marshal**

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/2004

Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

UNITED STATES OF AMERICA
v.ORDER SETTING
BY B. ZIMMER, CLERK
CONDITIONS OF RELEASE

JAMES HUGH MCCLURG

Case Number: 2:06-CR-550 PGC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- () (7) The defendant shall:
- () (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
- () (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: *\$ codeendants*
- () (e) report on a regular basis to the supervising officer as directed. *PTS - Biweekly \$/or*
- () (f) comply with the following curfew: *personally as directed by PTS*
- () (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- () (h) refrain from excessive use of alcohol.
- () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
- () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
- () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
- () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- () (m) execute a ~~cash~~ bond with solvent sureties in the amount of \$ *cash \$ 2000.00 +/or Surety \$ 5000.00*
- () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s): *4/10 2 PM 8/11/2004*
- () (o) surrender any passport to *Clerk's Office 4 PM, 8/14/2004*
- () (p) obtain no passport
- () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
- () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
- () (s) submit to an electronic monitoring program as directed by the supervising officer.
- () (t) *NO drug ab residence w/o approval of the Cr7.*
- () (u) *Travel restricted to State of Utah.*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

James M. Cleary
Signature of Defendant

x 8930 So 40 E

Address

Sandy VT 84070 (801) 368-0543

City and State

Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: *8/10/2004*

Brooke C. Wells
Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

UNITED STATES OF AMERICA

V.

ORDER SETTING CONDITIONS OF RELEASE

MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

TINH HUU CAO

Case Number: 2:06-CR-550 PGC -3

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- ☒ (7) The defendant shall:
- ☒ (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - () (c) abide by the following restrictions on his personal associations, place of abode, or travel:
- & codefendants*
- ☒ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
 - ☒ (e) report on a regular basis to the supervising officer as directed. *PTS - biweekly in person as directed PTS*
 - () (f) comply with the following curfew:
 - ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - ☒ (m) execute a ~~surety~~ *cash* bond with solvent sureties in the amount of \$ *1,000.00* *or \$10,000 surety bond*
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - ☒ (o) surrender any passport to *clerk's office 4 PM, 8/14/2004*
 - ☒ (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - ☒ (t) *no change of residence w/o approval of CRT.*
 - ☒ (u) *Travel restricted to State of Utah*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

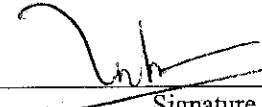
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

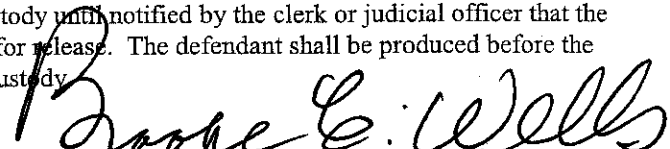
X 8966 So Philadelphia CT
West Jordan Address UT 84088

West JORDAN UT 84088 (801) 897-8643 cell
City and State Telephone Home

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/04


Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

UNITED STATES OF AMERICA
v.**ORDER SETTING**
CONDITIONS OF RELEASE
MARCUS B. ZIMMER, CLERK
DEPUTY CLERK

DZUNG TAN HUYNH

Case Number: 2:06-CR-550 PGC — 11

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- (7) The defendant shall:

- () (a) maintain or actively seek employment.
() (b) maintain or commence an educational program.
() (c) abide by the following restrictions on his personal associations, place of abode, or travel:

- () (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:

- () (e) report on a regular basis to the supervising officer as directed. *PTB - Biweekly in person as directed by PTB*
() (f) comply with the following curfew:
() (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
() (h) refrain from excessive use of alcohol.
() (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.
() (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:

- () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property

- () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:

- () (m) execute a bail bond with solvent sureties in the amount of \$ *cash 4,000 - or \$12,000 Surety*

- () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):

- () (o) surrender any passport to *clerk's office 4 PM, 8/14/2004*
() (p) obtain no passport
() (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
() (s) submit to an electronic monitoring program as directed by the supervising officer.

- () (t) *no change of residence w/o approval of court.*

- () (u) *Travel restricted to State of Utah.*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

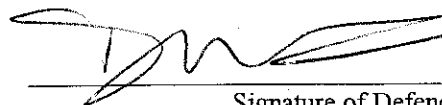
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

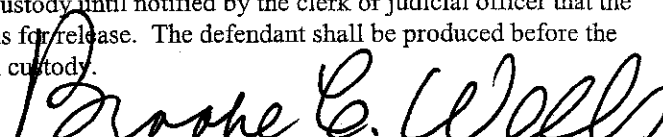
X 8930 South 40 East.
Address

Sandy UT 84070 712 9210
City and State Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/2004


Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

UNITED STATES OF AMERICA

V.

**ORDER SETTING
CONDITIONS OF RELEASE**

MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

MY CHAU TRAN

Case Number: 2:06-CR-550 PGC-12

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- X* (7) The defendant shall:

- X* (a) maintain or actively seek employment.
 () (b) maintain or commence an educational program.
 () (c) abide by the following restrictions on his personal associations, place of abode, or travel:

- X* (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:

- () (e) report on a regular basis to the supervising officer as directed.
 () (f) comply with the following curfew:
X (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 () (h) refrain from excessive use of alcohol.
 () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property

- () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:

- Cash 1,500.00*
X (m) execute a ~~half~~ bond with solvent sureties in the amount of \$ _____
 () (n) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling or the following limited purpose(s):

- X* (o) surrender any passport to *Clark's Office 4 PM, 8/14/2006*
X (p) obtain no passport
 () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 () (s) submit to an electronic monitoring program as directed by the supervising officer.

- X* (t) *No change of Residence w/o approval of CRT.*

(H) (u) Travel restricted to State of Utah.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

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Signature of Defendant

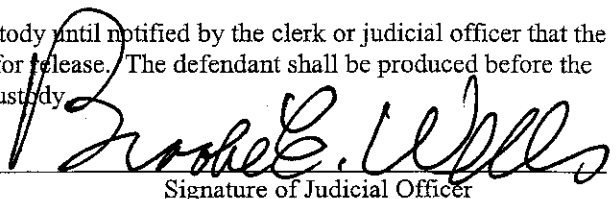
R1648 W - 2620 S
Address

South Jordan UT (801) 908-7033
City and State Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/10/2004


Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

Defendants.

HONORABLE PAUL G. CASSELL
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

KATHI D. DROZDO,

Plaintiff,

vs.

MOUNTAIN WEST MEDICAL
CENTER,

Defendant.

**SCHEDULING ORDER AND
ORDER VACATING HEARING**

Case No. 2:06CV00112 PGC

District Judge Paul G. Cassell

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for September 13, 2006, at 2:30 p. m. is VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|---|----------------------|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| | a. Was Rule 26(f)(1) Conference held? | <u>08/04/06</u> |
| | b. Has Attorney Planning Meeting Form been submitted? | <u>08/04/06</u> |
| | c. Was 26(a)(1) initial disclosure completed? | <u>09/01/06</u> |
| 2. | DISCOVERY LIMITATIONS | <u>NUMBER</u> |
| | a. Maximum Number of Depositions by Plaintiff(s) | <u>10</u> |
| | b. Maximum Number of Depositions by Defendant(s) | <u>10</u> |
| | c. Maximum Number of Hours for Each Deposition (unless extended by agreement of parties) | <u>7</u> |
| | d. Maximum Interrogatories by any Party to any Party | <u>25</u> |
| | e. Maximum requests for admissions by any Party to any Party | <u>25</u> |

| | | |
|-----------|--|-----------------------------|
| f. | Maximum requests for production by any Party to any Party | <u>reasonable number</u> |
| | | <u>DATE</u> |
| 3. | AMENDMENT OF PLEADINGS/ADDING PARTIES² | |
| a. | Last Day to File Motion to Amend Pleadings | <u>04/01/07</u> |
| b. | Last Day to File Motion to Add Parties | <u>04/01/07</u> |
| 4. | RULE 26(a)(2) REPORTS FROM EXPERTS³ | |
| a. | Plaintiff | <u>07/01/07</u> |
| b. | Defendant | <u>09/01/07</u> |
| c. | Counter reports | <u>10/01/07</u> |
| 5. | OTHER DEADLINES | |
| a. | Discovery to be completed by: | |
| | Fact discovery | <u>06/15/07</u> |
| | Expert discovery | <u>11/01/07</u> |
| b. | (optional) Final date for supplementation of disclosures and discovery under Rule 26 (e) | <u>30 days before trial</u> |
| c. | Deadline for filing dispositive or potentially dispositive motions | <u>12/01/07</u> |
| 6. | SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION | |
| a. | Referral to Court-Annexed Mediation | <u>No</u> |
| b. | Referral to Court-Annexed Arbitration | <u>No</u> |
| c. | Evaluate case for Settlement/ADR on | <u>06/15/07</u> |
| d. | Settlement probability: Fair. The parties are interested in mediation following partial completion of discovery. | |
| 7. | TRIAL AND PREPARATION FOR TRIAL | |
| a. | Rule 26(a)(3) Pretrial Disclosures ⁴ | |
| | Plaintiff | 2/22/08 |
| | Defendant | 3/7/08 |
| b. | Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule) | |

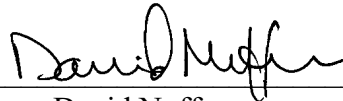
- | | | | |
|----|---|------------------|--------------------------------|
| c. | Special Attorney Conference ⁵ on or before | | 3/21/08 |
| d. | Settlement Conference ⁶ on or before | | 4/4/08 |
| e. | Final Pretrial Conference | <u>3:00 p.m.</u> | <u>4/17/08</u> |
| f. | Trial | <u>Length</u> | <u>Time</u> <u>Date</u> |
| | i. Bench Trial | | |
| | ii. Jury Trial | <u>5 Days</u> | <u>8:00 a.m.</u> <u>5/5/08</u> |

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 11th day of August, 2006.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR 10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
DISTRICT COURT

2006 AUG 10 A 8:02 JB

| | | |
|--------------------------------------|---|------------------------------|
| RONALD LEE YOUNG et al., |) | |
| |) | |
| Plaintiffs, |) | Case No. 2:06-CV-124 TC |
| |) | |
| v. |) | District Judge Tena Campbell |
| |) | |
| FREMONT COMMUNITY CORR. CTR. et al., |) | O R D E R |
| |) | |
| Defendants. |) | Magistrate Judge Samuel Alba |

Plaintiff, Ronald Lee Young, has filed a self-styled "Notice of Intent Civil Complaint." However, because of the unorthodox format Plaintiff has chosen and the confusing nature of his allegations, the Court cannot decipher Plaintiff's claims in a way that allows the Court to process the complaint.

IT IS THEREFORE ORDERED that the Court Clerk mail to Plaintiff a form civil rights complaint for Plaintiff to complete in an organized, concise fashion and return to the Court within thirty days.

DATED this 9th day of August, 2006.

BY THE COURT:



SAMUEL ALBA
United States Chief Magistrate Judge

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

| | | |
|--------------------------------|---|------------------------|
| BLUE CHIP IR GROUP, LTD., |) | Case No. 2:06CV185 DS |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | MEMORANDUM OPINION |
| |) | AND ORDER ADDRESSING |
| DOUGLAS FURTH and WILSON-DAVIS |) | DEFENDANT’S MOTION |
| & CO., |) | TO DISMISS OR TRANSFER |
| |) | |
| Defendants. |) | |

I. INTRODUCTION

The Plaintiff, Blue Chip IR Group, LTD (“Blue Chip”) is a Nevada limited liability company doing business in Utah. Blue Chip is a shareholder in Ever-Glory International Group, Inc. (“EGLY”), a publicly traded company with securities registered with the SEC. Defendant Furth, a “financial public relations specialist,” entered into an agreement with Blue Chip in which Furth was to purchase EGLY shares as well as use his expertise to open new markets for EGLY shares, increasing share value. Blue Chip would compensate Furth by transferring 175,000 EGLY shares to Furth in an account at Wilson-Davis & Co., located in Salt Lake City, Utah. Blue Chip alleges that Furth has or intends to violate applicable security laws by artificially manipulating the volume and price for EGLY shares.

Upon learning of Furth's alleged illegal activities, Blue Chip demanded that he immediately cease any activities regarding Blue Chip and return all EGLY shares. Wilson-Davis froze Furth's account, which resulted in Furth filing suit in the Northern District of Ohio on February 22, 2006. On February 23, 2006, Blue Chip filed suit in the Utah State District Court, alleging common law fraud, breach of contract, securities fraud, and requesting declaratory relief and injunctive relief. On March 1, 2006 Furth amended his complaint in Ohio and included Blue Chip as a defendant. On March 1, 2006 Furth removed the plaintiff's claims to this court. In April 2006 Furth filed this Motion to Dismiss or, in the Alternative, to Transfer Venue to the Northern District of Ohio. Blue Chip has moved to strike the Motion to Dismiss or Transfer, on the grounds that these pleadings were drafted and filed with the Court not by Mr. Furth appearing *pro se* as represented thereon, but rather by the firm of Levin & Associates, Co., L.P.A.

II. PLAINTIFF'S MOTION TO STRIKE THE PLEADINGS

The Court will first address Plaintiff's Motion to Strike the pleadings. This Court rejects as inappropriate the practice of ghost writing for a purportedly *pro se* litigant. During the March 15, 2006 hearing Mr. Levine was ordered to file a Notice of Appearance in compliance with the rules of the this Court if he intended to continue to appear. As of the filing of this motion, Mr. Levine had not entered such a notice.

The Court, however, denies Plaintiff's Motion to Strike for the following reasons. First, there appears to be no intent to deceive the Court or the parties, nor was there any actual deception, since the parties were aware that Mr. Levine would be conducting substantive work on

Mr. Furth's behalf. Second, Mr. Levine's law firm has recognized that ghost writing is inappropriate and has apologized for its conduct. Moreover, Mr. Furth has retained local counsel, and that counsel has sought *pro hac vice* admission for Mr. Levine and Mr. Aparesh Paul of Levine's law firm. As there has been no prejudice to Plaintiff, the Court will not impose sanctions at this time; however, any future violations will result in sanctions.

III. DEFENDANT'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF OHIO

Defendant Furth has moved to dismiss, or in the alternative, to transfer venue to the Northern District of Ohio. Clearly this Court does not have general personal jurisdiction over Mr. Furth, so the only question is whether specific personal jurisdiction exists. When a motion to dismiss for lack of jurisdiction is presented prior to trial, "the plaintiff's burden is relatively light." *STV International Marketing v. Cannondale Corporation*, 750 F.Supp. 1070, 1073 (D. Utah 1990). The "plaintiff need only make a prima facie showing." *Frontier Fed. Sav. & Loan v. National Hotel Corp.*, 675 F.Supp. 1293, 1295-6 (D. Utah 1987). If conflicting affidavits are presented, all factual disputes should be resolved in favor of the plaintiff.

In a diversity action, a federal court must look to the law of the forum state to determine the issue of personal jurisdiction. *Yarbrough v. Elmer Bunker & Assoc.*, 669 F.2d 614 (10th Cir. 1982). Under Utah law, "a three-part inquiry is used to determine whether specific jurisdiction exists: (1) the defendant's acts or contacts must implicate Utah under the Utah long-arm statute; (2) a 'nexus' must exist between the plaintiff's claims and defendant's acts or contacts; (3)

application of the Utah long-arm statute must satisfy the requirements of federal due process.”

Harnischfeger v. Uniflo, 883 F.Supp. 608, 612-613 (D. Utah 1995).

The Utah long-arm statute provides in pertinent part:

Any person . . . whether or not a citizen or resident of this state, who in person or through an agent does any of the following enumerated acts, submits himself . . . to the jurisdiction of the courts of this state as to any claim arising therefrom:

(1) the transaction of any business within this state;

. . . .

(3) the causing of any injury within this state whether tortious or by breach of warranty.

The Court finds that Blue Chip has failed to present sufficient facts to make a prima facie showing that Mr. Furth transacted business or caused tortious injury within the state of Utah.

A. Blue Chip has not made a sufficient showing that Furth transacted business in Utah.

Blue Chips’ entire argument that Mr. Furth transacted business in Utah seems to rest on the fact that Blue Chip deposited 175,000 shares of EGLY stock for Mr. Furth in a brokerage account at Wilson-Davis & Co., a Utah Corporation. While Blue Chip does assert for the first time in its Memorandum that Mr. Furth engaged in matched trades “from the state of Utah,” it provides no factual support for this assertion from the complaint or the affidavits.

Blue Chip makes numerous unsupported allegations, such as, “Furth’s tortious activity was deliberately directed at Plaintiff in relation to the shares held by WDCO in Utah,” “[t]he ultimate effect of Defendant’s actions was directly and efficaciously aimed at causing injury to Blue Chip in Utah and, in fact, had its desired effect,” and “[t]he Defendant purposefully directed his activities at Utah.” Blue Chip does not tell the Court specifically what activities were directed at Utah or what injuries were sustained.

The Court is required to resolve factual disputes in Plaintiff’s favor, but only when the parties present conflicting affidavits. Here, Furth has made a number of allegations that are

uncontradicted and do not conflict with Blue Chip's affidavits. Furth avers in his affidavits that he performed all of his obligations under the contract in Ohio. Blue Chip provides no contrary factual allegations, let alone any assertion that the contractual obligations were performed in Utah. Furth also avers, again without contradiction, that he wanted to open an account somewhere else but was informed that he had no choice and was compelled to open the account in Utah. Finally, Furth alleges, and Blue Chip does not dispute, that only the following three transactions (none of which were matched trades) were effectuated in his Utah account: (1) Blue Chip deposited 175,000 EGLY shares in the account, (2) 26,250 shares were transferred to the individual who brought the parties together, and (3) 1,000 EGLY shares were sold for a transaction fee imposed by Wilson-Davis. There was no other account activity. There is no evidence that Furth engaged in matched trades from the state of Utah. If there were such activity it does not appear to have occurred with respect to any Utah account or with respect to any business activity in Utah.

B. Blue Chip has not adequately demonstrated that Furth caused tortious injury in Utah.

Blue Chip has not demonstrated that it incurred any injury in Utah. Blue Chip does not allege any presence, corporate or otherwise, in Utah. It is a Nevada corporation/resident. Importantly, even if there was an injury in Utah, Blue Chip alleges only financial injury from the asserted decline in value of EGLY shares. See Complaint ¶¶11, 31,37. Courts have held that jurisdiction cannot be predicated solely upon financial injury occurring to a Utah resident. See *Harnischfeger*, 883 F.Supp. at 613 (quoting *Hydroskiff v. Louie's Boats & Motors, Inc.*, 492 P.2d 532 (Utah 1972)). For a court to exercise jurisdiction based solely on financial injury

“would lead to the unacceptable proposition that jurisdiction could be established anywhere a plaintiff might locate.” *Burt Drilling, Inc. V. Portadrill*, 608 P.2d 244, 250 (Utah 1980).

Blue Chip alleges that Furth violated the anti-fraud provisions of the Utah Securities Act, Utah Code Ann. § 61-1-1, *et. seq.*, and that those violations form an independent basis for personal jurisdiction. However, as noted above Blue Chip has provided the Court with no well-pled factual allegations that connect these alleged violations with Furth’s Wilson-Davis account in Utah.

This court finds that Mr. Furth is not subject to jurisdiction under either the “transacting business” section or the “tortious injury” section of the Utah long-arm statute. Because plaintiff has not met the first part of the three-part specific jurisdiction inquiry, this Court need not reach the other two parts. However, the Court also notes that the federal due process requirement of “minimum contacts” has not been satisfied. For minimum contacts to exist, there must be “some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws.” *Frontier v. Nat’l Hotel Corp.*, 675 F.Supp. 1293, 1298 (D. Utah 1987). In this case, Mr. Furth’s undisputed testimony is that he was forced to open the Utah account at Plaintiff’s insistence, and that he “had no choice in the matter.” First Furth Aff. At ¶7. The Court finds that this does not constitute “purposefully avail[ing]” himself, and therefore the minimum contacts requirement has not been met.

C. Venue is improper in the District of Utah and the case should be transferred to the Northern District of Ohio.

Federal courts have applied one of three tests to determine where venue is proper: “(1) the place of injury; (2) the place where the weight of contacts occurred; or, (3) the place where a

substantial part of the events giving rise to the claim occurred.” *Frontier* at 1300. The Court agrees with Mr. Furth that under any of these three tests, venue should be transferred to the Northern District of Ohio. Blue Chip claims that its injuries from Furth’s fraud occurred in Utah, but again it provides no factual support for this claim. Blue Chip is a Nevada corporation with its principle place of business in Las Vegas, and there is no suggestion that Blue Chip does any business in Utah. Nowhere in the complaint does Blue Chip allege that it sustained any injuries in Utah. As no injury occurred in Utah, venue is improper under the place of injury test.

Blue Chip also claims that a substantial part of the events giving rise to plaintiff’s claims occurred in Utah. Blue Chip supports this claim by saying that “Furth is attempting to transfer his EGLY shares from WDCO while continuing to offer and sell such shares, thus irreparably harming the market for EGLY shares.” However, as detailed above, only 1,000 shares were ever sold, and those were to Wilson-Davis for a transaction fee. This was not a matched trade that allegedly caused injury to Blue Chip. Clearly, the more substantial part of the events occurred in the Northern District of Ohio since that is where Furth lives and does business, where he executed the agreement, and where he performed all his obligations under the agreement. The Court finds that pursuant to 28 U.S.C. § 1406 this action should be transferred to the Northern District of Ohio.

The Court notes that the existence of a substantially similar case with nearly identical parties and issues pending in the Northern District of Ohio also weighs strongly in favor of transferring this case.

IV. CONCLUSION

For the foregoing reasons Furth's Motion to Transfer Venue to the Northern District of Ohio is granted, and the case is hereby ordered transferred.

SO ORDERED.

DATED this 10th day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Sam". The signature is written in a cursive, flowing style.

DAVID SAM

SENIOR JUDGE

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AARON RAISER,

Plaintiff,

vs.

DAVID M. KONO, et al.,

Defendants.

ORDER

Case No. 2:06-CV-256 TC

On July 25, 2006, United States Magistrate Judge Samuel Alba issued a Report and Recommendation (R&R) that recommends dismissal of Plaintiff Aaron Raiser's case. The court has taken the R&R under advisement. Accordingly, all deadlines, including deadlines to answer Mr. Raiser's complaint, are deferred until the court has determined whether to adopt Magistrate Judge Alba's R&R.

IT IS SO ORDERED this 11th day of August, 2006.

BY THE COURT:



TENA CAMPBELL
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION**

NOVATIONS GROUP, INC., et al.,

Plaintiffs,

vs.

ZENGER FOLKMAN COMPANY, et
al.,

Defendants.

**SCHEDULING ORDER AND
ORDER VACATING HEARING**

Case No. 2:06cv347 PGC

District Judge Paul G. Cassell

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for August 16, 2006, at 11:00 a.m. is VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1. PRELIMINARY MATTERS

DATE

Nature of claim(s) and any affirmative defenses:

- | | | |
|----|--|-----------------|
| a. | Was Rule 26(f)(1) Conference held? | <u>08/08/06</u> |
| b. | Has Attorney Planning Meeting Form been submitted? | <u>08/09/06</u> |
| c. | Was 26(a)(1) initial disclosure completed? | <u>08/31/06</u> |

2. DISCOVERY LIMITATIONS

NUMBER

- | | | |
|----|--|---|
| a. | Maximum Number of Depositions by Plaintiff(s) | <u>20</u> |
| b. | Maximum Number of Depositions by Defendant(s) | <u>20</u> |
| c. | Maximum Number of Hours for Each Deposition (unless extended by agreement of parties) | <u>7 except that each party may choose up to 3 that may last up to 14 hours</u> |

- d. Maximum Interrogatories by any Party to any Party 50
- e. Maximum requests for admissions by any Party to any Party unlimited
- f. Maximum requests for production by any Party to any Party unlimited
- 3. AMENDMENT OF PLEADINGS/ADDING PARTIES²**
 - a. Last Day to File Motion to Amend Pleadings 01/15/07
 - b. Last Day to File Motion to Add Parties 01/15/07
- 4. RULE 26(a)(2) REPORTS FROM EXPERTS³**
 - a. Plaintiff & Counterclaimant 09/15/07
 - b. Defendant & Counterclaim Defendant 10/15/07
 - c. Counter reports 11/15/07
- 5. OTHER DEADLINES**
 - a. Discovery to be completed by:
 - Fact discovery 09/15/07
 - Expert discovery 01/15/08
 - b. *(optional)* Final date for supplementation of disclosures and discovery under Rule 26 (e) –within 30 days of the arising of the obligation to supplement but in no event later than: 09/15/07
 - c. Deadline for filing dispositive or potentially dispositive motions 02/15/08
- 6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION**
 - a. Referral to Court-Annexed Mediation No
 - b. Referral to Court-Annexed Arbitration No
 - c. Evaluate case for Settlement/ADR on 01/15/08
 - d. Settlement probability: Unknown
- 7. TRIAL AND PREPARATION FOR TRIAL:**
 - a. Rule 26(a)(3) Pretrial Disclosures⁴
 - Plaintiff 4/4/08
 - Defendant 4/18/08
 - b. Objections to Rule 26(a)(3) Disclosures
(if different than 14 days provided in Rule)

| | | | |
|----|---|------------------|------------------|
| c. | Special Attorney Conference ⁵ on or before | | 5/2/08 |
| d. | Settlement Conference ⁶ on or before | | 5/16/08 |
| e. | Final Pretrial Conference | <u>3:00 p.m.</u> | <u>5/29/08</u> |
| f. | Trial | <u>Length</u> | <u>Time</u> |
| | Jury Trial | <u>15 Days</u> | <u>8:30 a.m.</u> |
| | | | <u>6/16/08</u> |

8. **OTHER MATTERS**

a. The parties agree that all documents produced in discovery shall be produced in native format, that is the format or formats in which the document was created and the format or formats in which it is kept or stored in the ordinary course of business, except that any document which is native to paper may be produced by way of an accurately scanned document. Counsel for the producing party will retain a paper copy of any such paper document produced in scanned form. To the extent that the effective use of such native-format documents will require the use of computer programs or software not commercially available, the producing party will provide a copy of such program or software to the requesting party for use in connection with these proceedings only without charge, and such program or software shall be returned to the producing party after the conclusion of this litigation. Such program or software also may be covered by the confidentiality agreement and protective order discussed below.

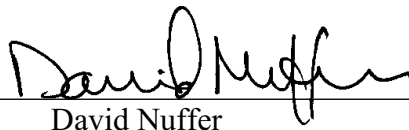
b. The parties have considered the allocation of the costs of discovery and have agreed as follows: The responding party will bear the costs of searching for, identifying and gathering requested items and the requesting party will bear the outsource costs of the actual production of requested items, i.e., copying, imaging, etc. (including costs of materials and labor).

c. The parties anticipate entering into a confidentiality agreement and requesting a protective order prior to the date for initial disclosures. In the event that the parties are unable to reach such an agreement, any party objecting to the disclosure of information may seek a protective order from the court.

d. Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 11th day of August, 2006.

BY THE COURT:


David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

PREMIER PERFORMANCE, INC.,

Plaintiff,

vs.

PERFORMANCE CHIPS OF UTAH,
INC., PERFORMANCE PRODUCTS
& ACCESSORIES, INC., JOHN
BRETT FULLMER, and ROBERT T.
VAN OTTEN,

Defendants.

SCHEDULING ORDER

Case No. 2:06CV00365 DB

District Judge Dee Benson

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1. PRELIMINARY MATTERS

DATE

Nature of claim(s) and any affirmative defenses:

- | | | |
|----|--|-----------------|
| a. | Was Rule 26(f)(1) Conference held? | <u>Yes</u> |
| b. | Has Attorney Planning Meeting Form been submitted? | <u>Yes</u> |
| c. | Was 26(a)(1) initial disclosure completed? | <u>08/25/06</u> |

2. DISCOVERY LIMITATIONS

NUMBER

- | | | |
|----|--|-----------------|
| a. | Maximum Number of Depositions by Plaintiff(s) | <u>6</u> |
| b. | Maximum Number of Depositions by Defendant(s) | <u>6</u> |
| c. | Maximum Number of Hours for Each Deposition (unless extended by agreement of parties) | <u>No limit</u> |
| d. | Maximum Interrogatories by any Party to any Party | <u>25</u> |
| e. | Maximum requests for admissions by any Party to any Party | |
| f. | Maximum requests for production by any Party to any Party | |

3. AMENDMENT OF PLEADINGS/ADDING PARTIES²

DATE

- | | | |
|----|--|-----------------|
| a. | Last Day to File Motion to Amend Pleadings | <u>09/29/06</u> |
| b. | Last Day to File Motion to Add Parties | <u>09/29/06</u> |

4. RULE 26(a)(2) REPORTS FROM EXPERTS³

- | | | |
|----|-----------------|-----------------|
| a. | Plaintiff | <u>12/29/06</u> |
| b. | Defendant | <u>12/29/06</u> |
| c. | Counter reports | <u>01/31/07</u> |

5. OTHER DEADLINES

- | | | |
|----|---|-----------------|
| a. | Discovery to be completed by: | |
| | Fact discovery | <u>11/30/06</u> |
| | Expert discovery | <u>02/28/07</u> |
| b. | <i>(optional)</i> Final date for supplementation of disclosures and discovery under Rule 26 (e) | |
| c. | Deadline for filing dispositive or potentially dispositive motions | 03/30/07 |

6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION

- | | | |
|----|---|-----------------------|
| a. | Referral to Court-Annexed Mediation | <u>No</u> |
| b. | Referral to Court-Annexed Arbitration | <u>No</u> |
| c. | Evaluate case for Settlement/ADR on | <u>2/28/07</u> |
| d. | Settlement probability: Good/Fair/Poor or narrative | <i>Unknown</i> |

| 7. | TRIAL AND PREPARATION FOR TRIAL: | TIME | DATE |
|----|----------------------------------|------|------|
|----|----------------------------------|------|------|

- | | | |
|----|---|-------------------|
| a. | Rule 26(a)(3) Pretrial Disclosures ⁴ | |
| | Plaintiff | 7/6/07 |
| | Defendant | 7/30/07 |
| b. | Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule) | |
| c. | Special Attorney Conference ⁵ on or before | 8/3/07 |
| d. | Settlement Conference ⁶ on or before | 8/17/07 |
| e. | Final Pretrial Conference | 2:30 p.m. 8/31/07 |

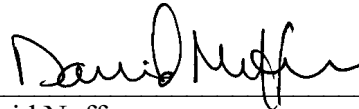
| | | | |
|----------------|---------------|------------------|----------------|
| f. Trial | <u>Length</u> | | |
| i. Bench Trial | <u>2 days</u> | <u>8:30 a.m.</u> | <u>9/10/07</u> |
| ii. Jury Trial | | | |

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 11th day of August, 2006.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. The identity of experts and the subject of their testimony shall be disclosed as soon as an expert is retained or, in the case of an employee-expert, as soon as directed to prepare a report.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

ORIGINAL

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

MAHMOUD B. ZIMMER, CLERK

RECEIVED CLERK

AUG 09 2006

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

MISBAH KHAN

Plaintiff

v.

JOHN WEBB, TRAVIS SHEPHERD

Defendant.

*
* CASE NO. 2:06CV00517 DB
*
* Appearing on behalf of:
* Plaintiff
*
* (Plaintiff/Defendant)
*

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, BRIAN HARRISON, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: June, 2006 [Signature] 1388
(Signature of Local Counsel) (Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, JOSEPH P. DiVINCENZO, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) a non-resident of the State of Utah or, (ii) a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates BRIAN HARRISON as associate local counsel.

Date: June 28, 2006. Check here X if petitioner is lead counsel.

[Signature]
(Signature of Petitioner)

Name of Petitioner: JOSEPH P. DiVINCENZO Office Telephone: (949) 759-0781
(Area Code and Main Office Number)

Business Address: REMER, DiVINCENZO & GRIFFITH
(Firm/Business Name)
2121 East Pacific Coast Hwy., Suite 280, Corona Del Mar, CA 92625
Street City State Zip

BAR ADMISSION HISTORY

| COURTS TO WHICH ADMITTED | LOCATION | DATE OF ADMISSION |
|---|------------|-------------------|
| State Courts | California | December 1975 |
| USDC - Central District | California | January 1976 |
| United States Supreme Court | California | August 11, 1997 |
| USDC - Southern District | California | March 4, 2002 |
| USDC - District of Nevada | Nevada | April 2006 |
| (If additional space is needed, attach separate sheet.) | | |

PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

| CASE TITLE | CASE NUMBER | DATE OF ADMISSION |
|---|-------------|-------------------|
| NONE. | | |
| (If additional space is needed, attach a separate sheet.) | | |

ORDER OF ADMISSION

FEE PAID

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 10 day of August, 20 06.



U.S. District Judge

Alan L. Sullivan (3152)
James D. Gardner (8798)
Snell & Wilmer L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800

Attorneys for Defendants

RECEIVED
AUG 09 2006
OFFICE OF
JUDGE TENA CAMPBELL

RECEIVED CLERK

AUG 08 2006

U.S. DISTRICT COURT
FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT,

FOR THE STATE OF UTAH, CENTRAL DIVISION

R. KIMBALL MOSIER, in his capacity as
Chapter 11 Trustee of NATIONAL SCHOOL
FITNESS FOUNDATION and SCHOOL
FITNESS SYSTEMS, LLC,

Plaintiff,

vs.

RAY, QUINNEY & NEBEKER, P.C.,
BRUCE L. OLSON, MARK A. COTTER,
and MAREN L. DAINES

Defendants.

**ORDER FOR PRO HAC VICE
ADMISSION OF PHILLIP A. COLE**

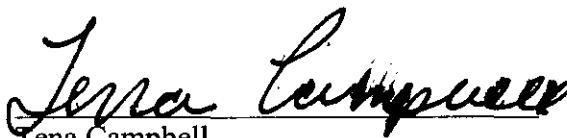
Case No. 2:06cv519

Honorable Tena Campbell

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Phillip A. Cole in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 10 day of August, 2006.

FEE PAID


Tena Campbell
U.S. District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing was served upon the following by notice via first-class mail, postage prepaid, on this ____ day of August, 2006:

James E. Morton
Steve Russell
S. Brook Millard
EISENBERG, GILCHRIST, & MORTON
215 South State Street, Suite 900
Salt Lake City, Utah 84111

AUG 11 2006

Mark Shurtleff, Utah Bar # 4666
UTAH ATTORNEY GENERAL
Scott W. Reed, Utah Bar #4124
Assistant Attorney General

Office of the Attorney General
PO Box 140872
Salt Lake City, Utah 84114-0872
Telephone: (801) 366-0310
Facsimile: (801) 366-0315

Attorneys for Defendant
R. Wayne Klein in his official
capacity as Director, Utah Division of
Securities, Utah Department of
Commerce

Henry F. Minnerop, *pro hac application pending*
Carter G. Phillips, *pro hac application pending*
Dennis C. Hensley, *pro hac application pending*
Mark D. Hopson, *pro hac application pending*
Jay T. Jorgensen, Utah Bar #8216
Kevin J. Campion, *pro hac application pending*
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 736-8020
Facsimile: (202) 736-8711
Email: jjjorgensen@sidley.com

David J. Jordan, Utah Bar #1751
David L Mortensen, Utah Bar #8242
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, UT 84111
Telephone: (801) 328-3131
Facsimile: (801) 578-6999
Email: djordan@stoel.com

Attorneys for Plaintiff
Securities Industry Association

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

SECURITIES INDUSTRY ASSOCIATION, a
New York-Based Non-Profit Corporation

Plaintiff,

v.

R. WAYNE KLEIN, an individual, in his
official capacity as Director, Utah Division of
Securities, Utah Department of Commerce,

Defendant.

**PRELIMINARY INJUNCTION
ENJOINING IMPLEMENTATION,
ENFORCEMENT AND
EFFECTIVENESS OF UTAH SENATE
BILL NO. 3004**

Case No. 2:06cv00624 TC

Judge Tena Campbell

This matter comes before the Court on the parties' Stipulated Motion for Preliminary Injunction, whereby the parties seek an Order preliminarily enjoining implementation and enforcement of Utah Senate Bill No. 3004, 2006 Utah Laws 3rd Sp. Sess. Ch. 4 (S.B. 3004), (the "Amendments") which modified the Utah Uniform Securities Act codified at Utah Code Annotated §§ 61-1-1 through 30 (the "Act"), and an Order permitting amendment of the Complaint. The Court having considered the materials submitted, and having determined that good cause appears for the entry of a preliminary injunction, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

1. The Amendments became effective on May 26, 2006, and the record keeping and reporting requirements and sanction provisions will take effect on October 1, 2006.
2. Once effective, those various recordkeeping and reporting requirements require that, in specified situations, broker-dealers (as defined by Utah Code Ann. § 61-1-13(1)(c)(i); 15 U.S.C. § 78c(a)(4) and (a)(5)) ("broker-dealers")) gather and report certain information whenever (i) the broker-dealer effects a sale or purchase of a "threshold security" (as defined in Securities and Exchange Commission Regulation SHO); (ii) the issuer of the threshold security is either domiciled or has its principal office in Utah; and (iii) the trade fails to settle within its normal settlement cycle ("Settlement Failure"). When that situation occurs, broker-dealers are required to provide the following information to the Utah Division of Securities (the "Division"): (i) the name of the issuer whose shares were the subject of the Settlement Failure; (ii) the date of the trade that failed to settle; (iii) the amount of the shares not delivered to settle the trade; and (iv) in the case of a selling broker-dealer, the identity of the broker-dealer's customer account or broker-dealer's own account for which the sale was executed; or (v) in the

case of a broker-dealer purchasing the securities, the identity of the person that failed to deliver the security in settlement of the trade.

3. The Amendments would impose financial penalties on any broker-dealer that does not comply with its requirements and provides a private right of action to bring suit against a broker-dealer that fails to comply with the Amendments. Defendant Klein, in his official capacity as Director of the Division, is responsible for administration and enforcement of the Act, including the receipt of the reports that the Amendments require.

4. The implementation and enforcement of the Amendments are hereby preliminarily enjoined. Klein and his agents, employees, and attorneys, together with all persons in active concert or participation with them, are hereby restrained and enjoined from enforcing and/or putting into effect, in any way, the requirements of the Amendments now codified at Utah Code Ann. § 61-1-5(2)(d), including collecting and/or publishing any of the information that broker-dealers otherwise would be required to report pursuant to the Amendments. Until the expiration or revocation of this Order, SIA, its members and other broker-dealers regulated by the Act are relieved of the obligations imposed by the Amendments, including the requirement to make the above-described reports to the Division.

5. In the absence of a requirement to report information to the Division, the Amendments' penalty clauses and private right of action (which are triggered by a failure to comply with the Amendments' obligation to report) are also enjoined. The Amendments shall have no force or effect whatsoever and shall not be enforced against SIA, its members or any other person or entity, by Klein or any other party, person or entity, whether private or public for the duration of this Order.

6. Pursuant to Federal Rules of Civil Procedure Rule 15(a), and based upon the parties' stipulated motion, the Complaint is amended to remove Counts II and IV and to limit the basis for SIA's preemption claims in Counts I and III to the National Securities Markets Improvement Act of 1996. The Court grants SIA leave to further amend its Complaint to reassert the claims and bases removed by this Order, and to add any additional claims, at any time prior to July 1, 2007.

7. Neither party shall be required to post security as a condition of this preliminary injunction.

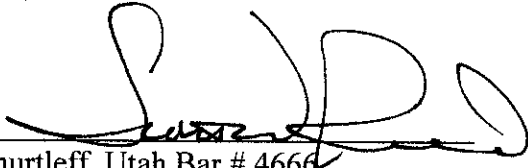
8. Unless extended by order of the Court, this preliminary injunction shall automatically expire without notice and be of no further force or effect at 12:01 a.m. (Mountain Daylight Time) on June 1, 2007.

IT IS SO ORDERED.

DATED this 11th day of August 2006.


The Honorable Tena Campbell
United States District Court Judge

APPROVED AS TO FORM:



Mark Shurtleff, Utah Bar # 4666

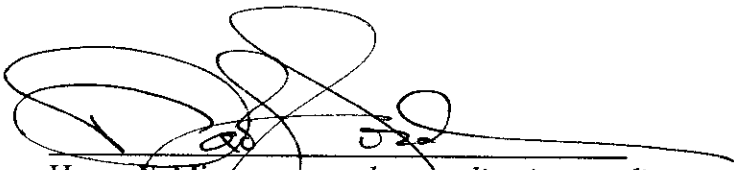
Scott W. Reed # 4124

Utah Attorney General

Scott W. Reed, Utah Bar # 4124

Assistant Attorney General

Attorneys for Defendant R. Wayne Klein in his
official capacity as Director, Utah Division of
Securities, Utah Department of Commerce



Henry F. Minnerop, *pro hac application pending*

Carter G. Phillips, *pro hac application pending*

Dennis C. Hensley, *pro hac application pending*

Mark D. Hopson, *pro hac application pending*

Jay T. Jorgensen, Utah Bar #8216

Kevin J. Campion, *pro hac application pending*

SIDLEY AUSTIN LLP

David J. Jordan, Utah Bar #1751

David L Mortensen, Utah Bar #8242

STOEL RIVES LLP

Attorneys for Plaintiff

Securities Industry Association

AUG 11 2006

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MARKET OF ZIMMER, CLERK
BY
DEPUTY CLERK

| | | |
|--------------------------|---|-----------------------------------|
| VINCENT F. RIVERA, |) | |
| |) | Judge Dee Benson |
| Plaintiff, |) | (DECK TYPE: Criminal |
| |) | DATE STAMP: 08/11/2006 @ 08:56:54 |
| v. |) | CASE NUMBER: 2:03CR00237 DB |
| |) | |
| RICHARD HUNTSMAN et al., |) | O R D E R |
| |) | |
| Defendants. |) | |

Plaintiff/inmate, Vincent F. Rivera, submits a *pro se* civil rights case.¹ Plaintiff applies to proceed without prepaying his filing fee.² However, Plaintiff has not as required by statute submitted "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined."³

IT IS HEREBY ORDERED that Plaintiff's application to proceed without prepaying his filing fee is granted.

So that the Court may calculate Plaintiff's initial partial filing fee, IT IS ALSO ORDERED that Plaintiff shall have thirty days from the date of this Order to file with the Court a certified copy of his inmate trust fund account statement(s). If

¹See 42 U.S.C.S. § 1983 (2006).

²See 28 *id.* § 1915.

³See *id.* § 1915(a)(2) (emphasis added).

Plaintiff was held at more than one institution during the past six months, he shall file certified trust fund account statements (or institutional equivalent) from the appropriate official at each institution where he was confined. The trust fund account statement(s) must show deposits and average balances for each month. If Plaintiff does not fully comply, his complaint will be dismissed.

DATED this 11th day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'DAVID NUFFER', written over a horizontal line.

DAVID NUFFER
United States Magistrate Judge

UNITED STATES DISTRICT COURT

AUG 10 2006 11:45am

MARKUS B. ZIMMER, CLERK
BY
UTAH DEPUTY CLERK

Central

District of

Jiayang Hua

Plaintiff

V.

University of Utah

Defendant

ORDER ON APPLICATION
TO PROCEED WITHOUT
PREPAYMENT OF FEES

DATE STAMP: 08/10/2006 @ 11:38:09

CASE NUMBER: 2:06mc662

Having considered the application to proceed without prepayment of fees under 28 USC §1915;

IT IS ORDERED that the application is:

☐ GRANTED.

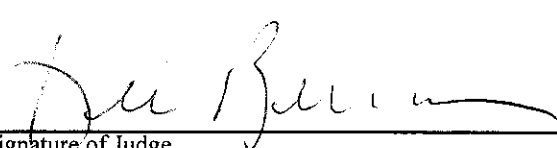
☐ The clerk is directed to file the complaint.

☐ IT IS FURTHER ORDERED that the clerk issue summons and the United States marshal serve a copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.

☒ DENIED, for the following reasons:

Plaintiff has sufficient resources.

ENTER this 9th day of August, 2006.


Signature of Judge

~~Magistrate Judge Paul M. Werner~~

Name and Title of Judge

United States District Court
for the
District of Utah
August 11, 2006

*****MAILING CERTIFICATE OF THE CLERK*****

RE: Hua v. University of Utah et al.
2:06mc662

Jiayang Hua
BAI SHU LN#5
EASTERN DISTRICT
BEIJING 100006
CHINA

Ryan Robertson
Deputy Clerk

UNITED STATES DISTRICT COURT

Central

District of

FILED IN UNITED STATES DISTRICT COURT DISTRICT OF UTAH

UNITED STATES OF AMERICA

V.

COMMITMENT TO ANOTHER

AUG 1 2006

Curtis M. Kliewer

By MARKUS B. ZIMMER, Clerk

DEPUTY CLERK

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

Wyoming

WA-06-253-M

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment

☐ Information

☐ Complaint

☐ Other (specify)

Alleged Violation of Pretrial Release

charging a violation of

U.S.C. §

DISTRICT OF OFFENSE

District of Wyoming

DESCRIPTION OF CHARGES:

21: 846 and 841(a)(1) and (b)(1)(B)-Conspiracy to Possess with Intent to Distribute and to Distribute Methamphetamine

CURRENT BOND STATUS:

☐ Bail fixed at

and conditions were not met

☐ Government moved for detention and defendant detained after hearing in District of Arrest

☐ Government moved for detention and defendant detained pending detention hearing in District of Offense

☐ Other (specify)

Representation:

☐ Retained Own Counsel

☐ Federal Defender Organization

☐ CJA Attorney

☐ None

Interpreter Required?

☐ No

☐ Yes

Language:

DISTRICT OF Wyoming

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

11 August 2006
Date



United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

PROB 35

Report and Order Terminating Supervised Release
Prior to Original Expiration Date

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

(Rev. 7/97)

AUG 11 2006

UNITED STATES DISTRICT COURT

AUG 09 2006

OFFICE OF
JUDGE TENA CAMPBELL

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

for the

DISTRICT OF UTAH

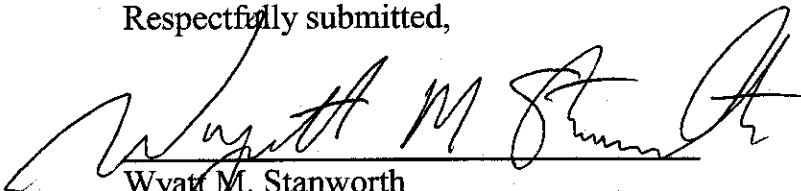
UNITED STATES OF AMERICA

v. Criminal No. 2:99-CR-00256-004-TC

RUBY ANN CARREON

On August 16, 2002, the above named began a 60-month term of supervised release. The defendant has currently been supervised for a period of 48 months within the Central District of California. She has had no violations and all special conditions have been satisfied. The defendant has maintained stable employment and a stable residence. It is accordingly recommended, by the Supervising United States Probation Officer in the Central District of California, that the defendant be discharged from supervision. The probation office in the District of Utah concurs.

Respectfully submitted,


Wyatt M. Stanworth
United States Probation Officer

Pursuant to the above report, it is ordered that the defendant be discharged from supervision and that the proceedings in the case be terminated.

Dated this 10 day of August, _____.

Tena Campbell
Honorable Tena Campbell
United States District Judge